SUPREME COURT, U.S.
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No. 03-1454

In the Supreme Court of the United States

JOHN ASHCROFT, ATTORNEY GENERAL, ET AL.,
PETITIONERS
v.
ANGEL MCCLARY RAICH, ET AL.

ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT APPENDIX

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PETITION FOR A WRIT OF CERTIORARI FILED: APR. 20, 2004
CERTIORARI GRANTED: JUNE 28, 2004

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Docket No. 03-15481

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE (NUMBER ONE), JOHN DOE (NUMBER TWO),
PLAINTIFFS-APPELLEES

v.

JOHN ASHCROFT, ATTORNEY GENERAL, AS UNITED STATES ATTORNEY GENERAL, ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION, DEFENDANTS-APPELLANTS

DOCKET ENTRIES

DATE	PROCEEDINGS
3/21/03	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): yes. Preliminary Injunction appeal, Moatt will set briefing schedule. [03-15481] (dg) [03-15481]
3/21/03	Filed Civil Appeals Docketing Statement served on (to CONFATT) [03-15481] [03-15481] (dg) [03-15481]
3/31/03	Filed order MOATT (JES) within 7 calendar days of the filing date of this order, the parties shall make arrangements parties to

DATE	PROCEEDINGS
	obtain from the ctr an official rt of proceedings in the DC which will be included in the roa. The brfing schedule is set as follows: the opening brf is due not later than 4/9/03; the answering brf is due 5/7/03, or 28 days after service of the opening brf, whichever is earlier; and the optional rpy brf is due within 14 days of service of the answering brf. If aplts fail to file an opening brf, this appeal will be dismissed automatically by the clk for failure to prosecute. This appeal and any motions pending when brfing is completed shall be referred to the next available motions panel for disposition. [03-15481] (jr) [03-15481]
3/31/03	Rec'd aplts ntc of designation of reporter's transcript. RTs already filed and paid for. [03-15481] (jr) [03-15481]
4/15/03	Filed order MOATT (JES) This is a preliminary injunction appeal. Aplt's mtn for an extension of time to file the opn brief is granted. The opn breif is due not later than 4/23/03; the ans brief is due 5/21/03 or 28 days after service of the opn brief, whichever is earlier; and the opt rpy brief is due within 14 days of service of the ans brief. This appeal and any mtns pending when briefing is completed shall be referred to the next available mtns panel for disposition. [03-15481] (kkw) [03-15481]

DATE	PROCEEDINGS
4/23/03	Filed original and 15 copies aplts' opening brf (Informal: no) of 62 pages and five excerpts of record in 1 volume; served on 4/23/03. [03-15481] (jr) [03-15481]
4/23/03	Filed aplts' request for oral argument [03-15481]; served on 4/23/03 to (MOATT). [4718373] [03-15481] (jr) [03-15481]
4/30/03	Rec'd State of California, County of Alameda & City of Oakland's brf as amicus in 15 copies only of 17 pages (originally filed in 02-16335, 02-16534 & 02-16715) to MOATT w/copy of ltr requesting permission to file. [03-15481] (jr) [03-15481]
4/30/03	Filed Marijuana Policy, Rick Doblin & Ethan Russo's motion for leave to file amicus curiae brf in support of aplts; served on 4/30/03 to (MOATT w/copy of brf). [4724483] [03-15481] (jr) [03-15481]
4/30/03	Rec'd Marijuana Policy, Rick Doblin & Ethan Russo's amicus curiae brf in 15 copies of 18 pages; served on 4/30/03 to (MOATT w/motion to file). [03-15481] (jr) [03-15481]
5/5/03	Filed original and 15 copies CA Medical Assoc. & CA Nurses Assoc.'s amicus curiae brf of 21 pages; served on 4/30/03. [03-15481] (jr) [03-15481]

DATE	PROCEEDINGS
5/6/03	Filed order MOATT (JES) aplts' request for oral argument and the request for leave to file an amicus brf are referred to the panel assigned to hear the merits of this appeal. The brfing schedule established previously remains in effect. [03-15481] (jr) [03-15481]
5/16/03	7-day oral extension of time by phone to file aples' brf per (JES/MOATT). [03-15481] Aples' brf due 5/28/03. (jr) [03-15481]
5/29/03	Filed original and 15 copies aples' 62 page brf; served on 5/28/03. [03-15481] (jr) [03-15481]
6/10/03	Rec'd errata to brf of aples; served 6/9/03. [03-15481] (jr) [03-15481]
6/11/03	Filed original and 15 copies aplts' rpy brf (Inforamal: no) of 32 pages; served on 6/11/03. [03-15481] (jr) [03-15481]
6/18/03	Rec'd County of Butte's ltr dated 6/17/03 joining in the legal arguments of aplts Raich, Monson and amici State of CA, Cty of Alamed and City of Oakland. [03-15481] (jr) [03-15481]
7/10/03	Filed Angel McClary Raich, Diane Monson, John Doe, John Doe additional citations, served on 7/7/03. RECORDS FOR MERITS PANEL [03-15481] (gar) [03-15481]

* * * * *

DATE	PROCEEDINGS
7/25/03	Filed order (Edward LEAVY & Michael D. HAWKINS) this appeal from the denial of a request for a preliminary injunction is referred to the next available merits panel for disposition. The appeal shall be placed on the calendar during the week of 10/6/03, in S.F.. [03-15481] (jr) [03-15481]

* * * * *

8/1/03	CALENDARED: San Francisco Oct 7 2003 9:00 a.m. Courtroom 3 [03-15481] (th) [03-15481]
8/12/03	Filed aplts' motion to hear this case before the panel which will hear case 02-16534, 02-16335, 02-16715 & 03-15062; [03-15481] served on 8/12/03 FAXED to (PANEL for this case and related cases). [4815286] [03-15481] (jr) [03-15481]

* * * * *

9/11/03	Filed order (Deputy Clerk: CAC) aplt's motion to assign related cases for oral argument on the same date and before the same panel but to be argued separately with appeal #s 02-16335, 02-16534, 02-16715 & 03-15062 set for oral argument on 9/17/03, is DENIED. [4815286-1] in 03-15481. The clk

DATE	PROCEEDINGS
	will serve copies of the order in case #s 02-163335, 02-16524, 02-16715 & 03-15062. [03-15481, 02-16335, 02-16534, 02-16715, 03-15062] (jr) [02-16335 02-16534, 02-16715 03-15062 03-15481]
9/11/03	Filed order (Deputy Clerk: rr) the motion for leave to file amicus curiae brf of Marijuana Policy Project; Rick Doblin, PH.D.; and Ethan Russo, M.D. is granted. [4724483-1] The amicus curiae brf shall be filed forthwith. [03-15481] (jr) [03-15481]
9/11/03	Filed original and 15 copies Marijuana Policy, Rick Doblin & Ethan Russo amicus brf of 18 pages; served on 4/30/03. [03-15481] (jr) [03-15481]
	* * * * *
10/7/03	ARGUED AND SUBMITTED TO Harry PREGERSON, C. A. Beam, Richard A. PAEZ [03-15481] (tu) [03-15481]
	* * * * *
12/16/03	FILED OPINION: REVERSED AND REMANDED. (Terminated on the Merits after Oral Hearing; Reversed; Written, Signed, Published. Harry PREGERSON, author; C. A. Beam, dissenting; Richard A. PAEZ) FILED AND ENTERED JUDGMENT. [03-15481] (jr) [03-15481]

DATE	PROCEEDINGS
	* * * * *
1/26/04	[4957169] Filed original and 50 copies aples' petition for panel rehearing and petition for rehearing en banc 17 pages; served on 1/23/04 to (PANEL & ALL ACTIVE JUDGES). [03-15481] (jr) [03-15481]
1/26/04	Rec'd ntc of appearance of Mark B. Stern and Alisa B. Klein as csl for aples. [03-15481] (jr) [03-15481]
2/25/04	Filed order (Harry PREGERSON, C.A. Beam, Richard A. PAEZ) the petition for rehearing and for rehearing en banc is DENIED. [4957169-1] [03-15481] (jr) [03-15481]
3/5/04	MANDATE ISSUED [03-15481] (jr) [03-15481]

UNITED STATES DISTRICT COURT FOR THE
CALIFORNIA NORTHERN DISTRICT

CIVIL DOCKET No. 3:02-CV-04872

ANGEL MCCLARY RAICH, PLAINTIFF

v.

JOHN ASHCROFT, AS UNITED STATES
ATTORNEY GENERAL

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
10/09/2002	1	COMPLAINT (*Summons Issued*) against John Ashcroft, Asa Hutchinson (Filing fee $150 receipt number 4406599). Filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (tn,) (Entered: 10/15/2002)
10/09/2002		Summons Issued as to John Ashcroft ; Asa Hutchinson (tn,) (Entered: 10/15/2002)
10/09/2002	2	ADR SCHEDULING ORDER: Case Management Statement due by 2/12/2003. Initial Case Management Conference set for 1:30 p.m. on 2/19/2003. (tn) (Entered: 10/15/2002)

DATE	DOCKET NUMBER	PROCEEDINGS
10/30/2002	3	Consent to Proceed Before a U.S. Magistrate Judge by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (tn,) (Entered: 10/31/2002)
		* * * * *
10/30/2002		Received Order re [4]: [*Proposed*] *Order granting motion to exceed page limitation* by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (tn,) (Entered: 10/31/2002)
10/30/2002	5	MOTION for Preliminary Injunction filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. Motion Hearing set for 12/4/2002 02:30 PM. (tn,) (Entered: 10/31/2002)
10/30/2002		Received Document re [5]: *[28 Pages] Memorandum of Law in support of motion for preliminary injunction* by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (tn,) (Entered: 10/31/2002)

DATE	DOCKET NUMBER	PROCEEDINGS
10/30/2002	6	DECLARATION in Support re [5]: *Of Frank Henry Lucido, M.D. in support of motion for preliminary injunction* filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Related document(s)[5]) (tn,) (Entered: 10/31/2002)
10/30/2002	7	DECLARATION in Support re [5]: *Of Diane Monson in support of motion for preliminary injunction* filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Related document(s)[5]) (tn,) (Entered: 10/31/2002)
10/30/2002	8	DECLARATION in Support re [5]: *Of Dr. John Rose in support of motion for preliminary injunction* filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Related document(s)[5]) (tn,) (Entered: 10/31/2002)

DATE	DOCKET NUMBER	PROCEEDINGS
10/30/2002	9	DECLARATION in Support re [5]: *Of Angel McClary Raich in support of preliminary injunction* filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Related document(s) [5]) (tn,) (Entered: 10/31/2002)
10/30/2002		Received Order re [5]: *[Proposed] Order Granting Motion for Preliminary Injunction* by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (tn,) (Entered: 10/31/2002)
		* * * * *
11/08/2002	11	Declination to Proceed Before a U.S. Magistrate Judge by John Ashcroft, Asa Hutchinson & *Request for Reassignment to a United States District Judge.* (tn,) (Entered: 11/12/2002)
		* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
11/12/2002		Received Order *Order Granting Application for Admission of Attorney Pro Hac Vice of Randy E. Barnett* by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (ci,) (Entered: 11/18/2002)
11/13/2002	13	ORDER REASSIGNING CASE. Case reassigned to Judge Martin J. Jenkins for all further proceedings. . Signed by The Executive Committee on 11/13/02. (rcs) (Entered: 11/15/2002)
		* * * * *
11/19/2002	18	Memorandum in Opposition re [5] filed by John Ashcroft, Asa Hutchinson. (vlh,) (Entered: 11/20/2002)
		* * * * *
11/26/2002	22	Request for Judicial Notice filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (slh,) (Entered: 11/27/2002)
		* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
12/05/2002	25	Request for Judicial Notice filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (vlh,) (Entered: 12/06/2002)
12/09/2002	26	MOTION to Dismiss filed by John Ashcroft, Asa Hutchinson. Motion Hearing set for 1/14/2003 09:30 AM. (slh,) (Entered: 12/09/2002)
		* * * * *
12/17/2002	29	Minute Entry: Motion Hearing held on 12/17/2002 before Judge Jenkins; that plaintiff's Motion for Preliminary Injunction [5] is submitted; defendant to prepare Order. (Court Reporter - Sahar Demos.) (slh) (Entered: 12/18/2002)
12/18/2002	30	ORDER by Judge Martin J. Jenkins vacating the 1/14/03 hearing on defendant's Motion to Dismiss [26]. (slh) (Entered: 12/19/2002)
		* * * * *

DATE	DOCKET NUMBER	PROCEEDINGS
		* * * * *
03/03/2003	35	JOINT CASE MANAGEMENT STATEMENT filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (slh,) (Entered: 03/04/2003)
		* * * * *
03/05/2003	38	ORDER by Judge Martin J. Jenkins DENYING plaintiffs' Motion for Preliminary Injunction [5]. (slh) (Entered: 03/07/2003)
		* * * * *
03/12/2003	40	NOTICE OF APPEAL re [38] by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Filing fee $105; receipt number 3345249) (slh,) (Entered: 03/13/2003)
03/12/2003		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re appeal [40] (slh,) (Entered: 03/13/2003)

DATE	DOCKET NUMBER	PROCEEDINGS
03/17/2003	41	CLERK'S NOTICE vacating the 3/25/03 hearing re: Motion to Strike and and the 4/8/03 hearing re: defendant's Cross-Motion for Leave to file statement of recent decision. (slh) (Entered: 03/19/2003)
03/18/2003	42	Minute Entry: Case Management Conference held on 3/18/2003 before Judge Jenkins. Matter stayed pending decision re: Interlocutory Appeal. (Court Reporter - NOT reported.) (slh) (Entered: 03/25/2003)
		* * * * *
03/19/2003	44	ORDER by Judge Martin J. Jenkins that this action is STAYED, pending resolution of the interlocutory appeal; all hearings and conferences in this matter are vacated; (Entered: 03/25/2003)
03/19/2003	45	ORDER by Judge Martin J. Jenkins that the part of footnote nine of the Court's 3/5/03 Order [38] shall be amended to read

DATE	DOCKET NUMBER	PROCEEDINGS
		"Judge Kozinski, in his concurring opinion in Conant v. Walters, 309 F.3d 629 (9th Cir. 2002)." (slh) (Entered: 03/25/2003)
03/26/2003		USCA Case Number re appeal [40]. USCA Case #03-15481 (slh,) (Entered: 04/01/2003)
03/28/2003	46	TRANSCRIPT DESIGNATION and Ordering Form for dates 12/17/02 (C/R: Sahar McVickar) by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (slh,) (Entered: 04/02/2003)
		* * * * *
04/16/2003	48	TRANSCRIPT for dates 12/17/02 (C/R: Sahar McVickar). (slh,) (Entered: 04/17/2003)
03/08/2004	49	USCA JUDGMENT reversing and remanding the decision of the District Court (re: Appeal [40]). (slh, COURT STAFF) (Filed on 3/8/2004) (Entered: 03/09/2004)
03/08/2004	50	CLERKS Letter Spreading Mandate to Counsel. (slh, COURT STAFF) (Filed on 3/8/2004) (Entered: 03/09/2004)

DATE	DOCKET NUMBER	PROCEEDINGS
03/11/2004	51	CLERK'S NOTICE: Status Conference set for 4/6/2004 02:00 PM. (slh, COURT STAFF) (Filed on 3/11/2004) (Entered: 03/12/2004)
		* * * * *
04/06/2004	53	Minute Entry: Status Conference held 4/6/2004 before Judge Jenkins; parties shall submit a form of order(s) re: preliminary injunction by 4/30/04. (Court Reporter - NOT reported.) (slh, COURT STAFF) (Date Filed: 4/6/2004) (Entered: 04/08/2004)
04/14/2004	55	Letter dated 4/14/01 from Robert A. Raich re: proposed preliminary injunctions. (slh, COURT STAFF) (Filed on 4/14/2004) (Entered: 04/16/2004)
04/15/2004	54	Letter Brief filed by Karen P. Tandy, John Ashcroft. (Attachments: # 1 Proposed form of Injunction) (Quinlivan, Mark) (Filed on 4/15/2004) (Entered: 04/15/2004)

DATE	DOCKET NUMBER	PROCEEDINGS
04/20/2004	56	Minute Entry: Telephone Status Conference held 4/20/04 before Judge Jenkins; parties shall submit draft alternate descriptive proposals regarding the John Does. (Court Reporter - NOT reported.) (slh, COURT STAFF) (Date Filed: 4/20/2004) (Entered: 04/21/2004)
04/23/2004	57	Letter Brief re [56] form of preliminary injunction order filed by John Ashcroft, Karen P. Tandy. (Related document(s) [56]) (Quinlivan, Mark) (Filed on 4/23/2004) (Entered: 04/23/2004)
		* * * * *
05/04/2004	59	Minute Entry: Telephone Status Conference held before Judge Jenkins; Telephone Status Conference set for 5/7/2004 03:00 PM if necessary.(Court Reporter - NOT reported.) (slh, COURT STAFF) (Date Filed: 5/4/2004) (Entered: 05/12/2004)

DATE	DOCKET NUMBER	PROCEEDINGS
05/14/2004	60	Letter Brief re [59] Proposed form of Preliminary Injunction Order filed by John Ashcroft, Karen P. Tandy. (Attachments: # 1 Proposed Order Proposed form of Preliminary Injunction Order # 2Exhibit Exhibit A) (Related document(s) [59]) (Quinlivan, Mark) (Filed on 5/14/2004) (Entered: 05/14/2004)
05/14/2004	61	PRELIMINARY INJUNCTION ORDER. Signed by Judge Martin J. Jenkins on 5/14/2004. (mat, COURT STAFF) (Filed on 5/14/2004) (Entered: 05/14/2004)
05/14/2004	62	Minute Entry: Telephone Status Conference held 5/14/04 before Judge Jenkins; letter brief and proposed Form of Preliminary Injunction Order e-filed today for Court's review and approval. (Court Reporter - NOT reported.) (slh, COURT STAFF) (Date Filed: 5/14/2004) (Entered: 05/18/2004)
06/02/2004	63	Declaration of Robert Raich pursuant to Preliminary Injunction Order 61 (filed UNDER

DATE	DOCKET NUMBER	PROCEEDINGS
		SEAL) filed by John Doe Number One, John Doe Number Two, Diane Monson, Angel McClary Raich. (Related document(s) 61) (slh, COURT STAFF) (Filed on 6/2/2004) (Entered: 06/04/2004)
06/23/2004	64	NOTICE OF INTERLOCUTORY APPEAL as to 61 Preliminary Injunction by John Ashcroft, Karen P. Tandy. Filing fee $ exempt. Appeal Record due by 7/23/2004. (Quinlivan, Mark) (Filed on 6/23/2004) Modified on 6/24/2004 (slh, COURT STAFF). (Entered: 06/23/2004)
06/24/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 64 Notice of Interlocutory Appeal. (slh, COURT STAFF) (Filed on 6/24/2004) (Entered: 06/24/2004)
06/24/2004		Copy of Notice of Appeal and Docket sheet mailed to all counsel. (slh, COURT STAFF) (Filed on 6/24/2004) (Entered: 06/24/2004)
06/24/2004		Certificate of Record Mailed to USCA re appeal 64. (slh, COURT STAFF) (Filed on 6/24/2004) (Entered: 06/24/2004)

DATE	DOCKET NUMBER	PROCEEDINGS
06/30/2004	65	USCA Case Number 04-16296: RECEIPT OF ACKNOWLEDGMENT from the 9th Circuit Court of Appeals for 64 Notice of Interlocutory Appeal filed by John Ashcroft, Karen P. Tandy. (aaa, Court Staff) (Filed on 6/30/2004) (Entered: 07/06/2004)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. 02-4872 EMC

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, AND JOHN DOE NUMBER TWO, PLAINTIFFS

v.

JOHN ASHCROFT, AS UNITED STATES ATTORNEY GENERAL, AND ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION, DEFENDANTS

[Filed: Oct. 9, 2002]

COMPLAINT FOR DECLARATORY RELIEF AND FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

Plaintiffs ANGEL McCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, and JOHN DOE NUMBER TWO bring this action for declaratory, injunctive, and other relief, and on information and belief, hereby allege:

INTRODUCTION

1. The Defendants are unconstitutionally exceeding their authority by embarking on a campaign of seizing or forfeiting privately-grown wholly intrastate medical

cannabis from California patients and caregivers, arresting or prosecuting such patients and caregivers, mounting paramilitary raids against such patients and caregivers, harassing such patients and caregivers, and taking other civil or administrative actions against them. The Defendants purport to have authority for those actions under the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*

2. On November 5, 1996, the sovereign State of California and the People of the State of California, exercising their reserved powers and expressly retaining certain rights, duly enacted through the initiative process the Compassionate Use Act of 1996, Cal. Health & Safety Code § 11362.5. The purposes of the Compassionate Use Act are "[t]o ensure that seriously ill Californians have the *right* to obtain and use marijuana for medical purposes" and "[t]o ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes . . . are not subject to criminal prosecution or sanction." Cal. Health & Safety Code § 11362.5(b)(1)(A), (B). (Emphasis added.) All of Plaintiffs' conduct is lawful under the Compassionate Use Act.

3. Defendants' actions are effectively preventing implementation of the Compassionate Use Act, thereby abrogating the powers and rights constitutionally reserved and retained by the sovereign State of California and the People of California under the Ninth and Tenth Amendments to the U.S. Constitution. Moreover, Defendants' actions are infringing on Plaintiffs' rights guaranteed by the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Additionally, to the extent that Defendants purport to take their actions pursuant to an act of Congress, then such act

exceeds the powers of Congress granted under the Commerce Clause of the U.S. Constitution. Furthermore, the doctrine of Medical Necessity precludes Defendants' actions against Plaintiffs.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 2201.

5. Venue is proper in this Court under 28 U.S.C. §§ 1391 (e) and 1402(a)(1).

PARTIES

Plaintiffs

6. Plaintiff ANGEL MCCLARY RAICH ("ANGEL") is a seriously ill patient who would likely be dead today were it not for her use of medical cannabis. ANGEL suffers from numerous severe debilitating medical conditions for which cannabis uniquely provides relief. ANGEL's primary care physician, and all of her numerous specialist physicians, support ANGEL's use of medical cannabis. ANGEL is a Medical Necessity patient-member of the Oakland Cannabis Buyers' Cooperative, from which she used to obtain her medicine. Because ANGEL cannot cultivate her own cannabis, she now relies on two caregivers who provide cannabis to her without charge. ANGEL resides in Oakland, California.

7. Plaintiff DIANE MONSON of Butte County, California is a patient who uses medical cannabis on her doctor's recommendation to treat Severe Chronic Back Pain and Spasms. On August 15, 2002, following a three-hour standoff in MONSON's front yard, federal agents raided her home and seized her six (6) medical cannabis plants, in defiance of an urgent telephone plea

by Butte County District Attorney Mike Ramsey to U.S. Attorney John K. Vincent imploring him to spare MONSON's medicine.

8. Plaintiff JOHN DOE NUMBER ONE, of Oakland, California, cultivates cannabis on ANGEL's behalf, which he supplies to ANGEL free of charge, without any cost or remuneration whatsoever. In order to protect ANGEL's supply of medical cannabis, JOHN DOE NUMBER ONE sues in an anonymous capacity. In the cultivation of ANGEL's medical cannabis, JOHN DOE NUMBER ONE uses only water and nutrients originating from within the borders of the State of California. Further, JOHN DOE NUMBER ONE uses exclusively growing equipment, supplies, and materials manufactured within the borders of the State of California. JOHN DOE NUMBER ONE cultivates for ANGEL medical-grade cannabis free of mold, fungus, pesticide residue, and other contaminates in the particular strains and potencies that ANGEL has found to be most effective in treating her specific medical conditions.

9. Plaintiff JOHN DOE NUMBER TWO, of Oakland, California, cultivates cannabis on ANGEL's behalf, which he supplies to ANGEL free of charge, without any cost or remuneration whatsoever. In order to protect ANGEL's supply of medical cannabis, JOHN DOE NUMBER TWO sues in an anonymous capacity. In the cultivation of ANGEL's medical cannabis, JOHN DOE NUMBER TWO uses only water and nutrients originating from within the borders of the State of California. Further, JOHN DOE NUMBER TWO uses exclusively growing equipment, supplies, and materials manufactured within the borders of the State of California. JOHN DOE NUMBER TWO cultivates for ANGEL medical-grade cannabis free of mold, fungus, pesticide

residue, and other contaminates in the particular strains and potencies that ANGEL has found to be most effective in treating her specific medical conditions.

Defendants

10. Defendant JOHN ASHCROFT is sued in his official capacity as the Attorney General of the United States of America, which is one of the sovereigns in our federal system of Dual Sovereignty.

11. Defendant ASA HUTCHINSON is sued in his official capacity as the Administrator of the Drug Enforcement Administration (DEA), an agency of the United States of America, which is one of the sovereigns in our federal system of Dual Sovereignty.

MEDICAL BACKGROUND

12. As a mother of two children, Plaintiff ANGEL opposed all illegal drug use, including the recreational use of marijuana, until the benefits of cannabis became unmistakable for the treatment of ANGEL's own medical conditions.

13. ANGEL suffers from the following, often interrelated, medical conditions: a) Life-Threatening Weight Loss, Malnutrition, Cachexia, and Starvation; b) Chronic Nausea; c) numerous Severe Chronic Pain afflictions from: Scoliosis, Temporomandibular Joint Dysfunction Syndrome (TMJ), Endometriosis, Headaches, Rotator Cuff Syndrome, and Uterine Fibroid Tumor; d) Post Traumatic Stress Disorder (P.T.S.D.); e) Non-Epileptic Seizures; f) Fibromyalgia; and g) an inoperable Brain Tumor. Moreover, ANGEL endured four years of Paralysis, which confined her to a Wheelchair; her doctors said she would never walk again, but she then discovered cannabis as the only treatment that brought her Paralysis into complete remission.

14. ANGEL's doctors now recommend that she medicate with cannabis every two hours. She medicates by ingesting, smoking, and vaporizing cannabis. Her physicians emphatically insist that ANGEL "cannot be without this medicine" because severe Weight Loss and flare-ups of her Chronic Pain conditions would quickly develop. When ANGEL's Pain levels are elevated she is prone to having Seizures.

15. The Appendix hereto, *supra*, is a description of ANGEL's numerous complex medical conditions, and an explanation of how medical cannabis is the only effective treatment for her medical conditions. Plaintiffs reallege and incorporate by reference all paragraphs of the Appendix hereto as if set forth fully in the body herein.

16. Without access to medical cannabis, ANGEL would experience horrible pain, suffering, and death. Horrible pain suffering, and death constitute irreparable harm.

17. ANGEL requires over two and one-half ounces of cannabis per week, or in excess of eight pounds of cannabis per year, for her personal medical consumption. Angel is a member of the Oakland Cannabis Buyers' Cooperative (OCBC), and used to obtain her medicine there, but cannot now obtain her medicine from OCBC because of Defendant UNITED STATES OF AMERICA's actions against the OCBC starting in 1998. ANGEL lives in fear that her home will be raided, her medical cannabis will be seized, she or her caregivers will be arrested, or her property will be forfeited by Defendants' actions, whether or not the Defendants ever file criminal charges against her. Stress from that fear is further exacerbating ANGEL's already precarious medical conditions.

18. If Defendants were to take ANGEL into custody and deny her access to medical cannabis, she would suffer serious medical consequences within a matter of hours. Because of ANGEL's already fragile medical condition, even a raid by Defendants on ANGEL would trigger severe medical repercussions.

19. ANGEL is at particular risk of being targeted by the Defendants: ANGEL has been quoted in electronic and print media locally, nationally, and internationally as a medical cannabis patient, and has defiantly stated that, faced with the alternative of an agonizing death, she would continue to use medical cannabis notwithstanding the federal war on cannabis patients. Contrary to claims by Defendant HUTCHINSON, the Defendants are engaging in a campaign of selective prosecution targeting medical cannabis patients, especially the ones who have been most outspoken publicly.

20. ANGEL is a Medical Necessity Patient. She is one (1) of only fourteen (14) members designated as being a Medical Necessity Patient by the OCBC following rigorous and meticulous evaluations by the OCBC's medical and administrative staff. As discussed more thoroughly herein, ANGEL suffers from numerous serious medical conditions. She would suffer imminent harm if she did not have access to cannabis. She needs cannabis to treat her medical conditions or their symptoms. She has no reasonable alternative to cannabis because she is violently allergic to virtually all pharmaceutical medications.

21. Plaintiff DIANE MONSON has suffered from Severe Chronic Back Pain and Spasms since 1989. She first tried medical cannabis in 1998, and uses it on the recommendation of her doctors in light of its remarkable efficacy at controlling her symptoms. MONSON's

Spasms are an extremely painful experience in their own right, comparable in intensity to an uncontrollable cramp. Medical cannabis completely eliminates her Spasms. Even with medical cannabis, MONSON still experiences discomfort, but cannabis greatly relieves her Chronic Pain. Without cannabis, her spasms would return and she would be subjected to intense pain that cannot be relieved any other way. MONSON has tried various combinations of prescription pharmaceutical medications, but they are often ineffective and they always disrupt her quality of life by interfering with her ability to function. In contrast, MONSON has found cannabis to be both effective and free of undesirable side-effects.

LEGAL BACKGROUND

The Commerce Clause

22. Wholly intrastate activity is beyond the power of Congress "to regulate Commerce . . . among the several States," U.S. Const. Art. 1, sec. 8. *See The Federalist* 42 (J. Madison) (referring to the power "to regulate between State and State"). Protecting wholly intrastate commerce from the reach of Congress is a constitutional imperative in our federal system. To the extent the Controlled Substances Act purports to grant Defendants' authority to conduct the activities complained of herein, such Act exceeds the authority granted to Congress under the Commerce Clause. Plaintiffs seek protection for conduct that has no effect whatsoever on interstate commerce; indeed, Plaintiffs' conduct is not commerce at all.

State Sovereignty as Confirmed in the Tenth Amendment

23. The Tenth Amendment confirms that the power of the Federal Government is subject to limits that may, in a given instance, reserve power to the States. Although the Constitution delegates to Congress the power over interstate commerce and other national concerns, the States are primarily responsible for the health and safety of their citizens, a power known as the "police power." Traditionally, no power is more central to the sovereignty of the States, and Congress lacks such a power. State governments have authority to enact measures reasonably necessary to protect public health. Congress cannot exercise its power over interstate commerce to interfere with a State's police power by prohibiting *wholly intrastate* conduct that the State mandates in the interest of health or safety. Respect for the sovereign States that comprise our Federal Union imposes a duty on federal courts, whenever possible, to avoid or minimize conflict between federal and state law, particularly in situations in which the citizens of a State have chosen to "serve as a laboratory" in the trial of "novel social and economic experiments without risk to the rest of the country." The only doctrine preventing federal usurpation of traditionally State regulated activities is that such federal actions would violate the principles of federalism. To the extent the Controlled Substances Act purports to grant authority for Defendants to prohibit the conduct for which Plaintiffs herein seek protection, the Act exceeds Congress's constitutional authority by abrogating powers reserved to the State of California.

Fundamental Constitutional Rights Protected by The Fifth and Ninth Amendments

24. The Due Process Clause of the Fifth Amendment provides protection of unenumerated liberties against the federal government. The Ninth Amendment also provides protection under its express injunction that: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." U.S. Const. Amend. IX. To receive constitutional protection, an unenumerated liberty must have roots in "our Nation's history, legal traditions, and practices." Infringements upon fundamental liberties call for heightened scrutiny of the means by which Congress exercises its enumerated powers.

25. The rights to bodily integrity, to ameliorate pain, and to prolong life are closely related. They are distinct rights or specific aspects of the famous trinity of "life, liberty, and the pursuit of happiness" in the Declaration of Independence. These rights, with deep roots in our Nation's history, legal tradition and practice, permit decisions about one's body to be made free from governmental intervention. In the absence of a compelling interest that would be furthered by such a proscription, the government cannot, consistent with the Constitution, abridge these rights of Plaintiffs, who are seriously ill patients. No such compelling governmental interest exists.

26. The right to consult with one's doctor about one's medical condition is also a fundamental right deeply rooted in our history, legal traditions, and practices. Moreover, imperatives established by the sanctity of the physician-patient relationship prevent Defen-

dants' interference with Plaintiffs' ability to act on their doctors' treatment recommendations.

27. Plaintiffs herein are entitled to heightened protection against Defendants' interference with Plaintiffs' exercise of their fundamental rights and liberty interests. The Constitution does not allow Congress to authorize Defendants to deny or disparage the activities for which Plaintiffs seek protection herein.

The Medical Necessity Doctrine

28. The law in the Ninth Circuit specifically and expressly applies the medical necessity doctrine to those suffering patients who require medical cannabis. There is a class of people with serious medical conditions; for whom the use of cannabis is necessary in order to treat or alleviate those conditions or their symptoms; who will suffer serious harm if they are denied cannabis; and for whom there is no legal alternative to cannabis for the effective treatment of their medical conditions because they have tried other alternatives and have found that they are ineffective, or that they result in intolerable side effects. Although the Supreme Court has determined the doctrine is not available to a medical cannabis *distribution cooperative*, the applicability of the doctrine for seriously ill *patients* was not before the Court, and was notably preserved by the Court's concurrence in *United States* v. *Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483 (2001).

29. Plaintiffs ANGEL and MONSON are seriously ill patients for whom there is no alternative means of avoiding starvation or extraordinary suffering without the benefits of medical cannabis. The medical necessity doctrine is available to these seriously ill patients to use

and obtain medical cannabis for their own personal medical treatment.

Credible Threat of Actual Harm

30. Plaintiffs' fears of being victimized by Defendants are not merely theoretical. Defendants are continuing, indeed in the past year have escalated, their attacks on medical cannabis patients protected by State law in California and other States. Since September 11, 2001, Defendants have terrorized more than 35 Californians because of medical cannabis, including many individual patients for merely their own personal cannabis medication—involving amounts as small as one (1) cannabis plant or one (1) ounce of medicine. During that same period, nearly half of all the federal marijuana cases filed in the Northern District of California have involved medical cannabis. In a public speech on February 12, 2002, Defendant HUTCHINSON asserted that enforcement of federal laws against medical cannabis was a "responsibility" of his agency. HUTCHINSON reiterated that sentiment in a September 30, 2002, letter to California Attorney General Bill Lockyer, claiming the DEA is "legally mandated" to enforce such laws. With particular reference to Plaintiff MONSON's six medical cannabis plants, HUTCHINSON praised their seizure, claiming such action was Defendants' "duty under Federal law". Defendants' tactics commonly involve commando-style raids against sick patients in their homes, the pointing of high-powered automatic weapons at patients, and traumatizing patients and their loved ones. The Defendants frequently target those patients who are the most outspoken critics of federal policy. Being victimized by Defendants once provides no security for patients: The Defendants have raided several patients on more than

one occasion—always seizing medical cannabis, and sometimes initiating prosecutions or forfeiture actions against patients' property. Defendants' threats to medical cannabis patients are not confined to California, but extend as well to patients in various other States that permit medical cannabis. Plaintiffs reasonably fear further victimization by Defendants if the Court does not grant the relief sought herein.

FIRST CAUSE OF ACTION

31. Plaintiffs reallege and incorporate by reference Paragraphs I through 30 as if set forth fully herein.

32. The Commerce Clause, Article 1, Section 8, of the U.S. Constitution provides that "Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes . . . ."

33. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for intrastate noncommercial activities involving the personal medical cannabis of Plaintiffs ANGEL or MONSON would violate the Commerce Clause as applied to Plaintiffs.

SECOND CAUSE OF ACTION

34. Plaintiffs realize and incorporate by reference Paragraphs 1 through 30 as if set forth fully herein.

35. The Fifth Amendment to the U.S. Constitution provides that "No person shall be . . . deprived of life, liberty, or property, without due process of law . . . ."

36. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek civil or administrative sanctions against any

Plaintiff herein for activities involving the personal medical cannabis of Plaintiffs ANGEL or MONSON would violate the Fifth Amendment as applied to Plaintiffs.

THIRD CAUSE OF ACTION

37. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth fully herein.

38. The Ninth Amendment to the U.S. Constitution provides that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

39. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for activities involving the personal medical cannabis of Plaintiffs ANGEL or MONSON would violate the Ninth Amendment as applied to Plaintiffs.

FOURTH CAUSE OF ACTION

40. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth fully herein.

41. The Tenth Amendment to the U.S. Constitution provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

42. Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek civil or administrative sanctions against any Plaintiff herein for activities within the State of California involving the personal medical cannabis of Plaintiffs

ANGEL or MONSON would violate the Tenth Amendment as applied to Plaintiffs.

FIFTH CAUSE OF ACTION

43. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 30 as if set forth fully herein.

44. Under the doctrine of medical necessity, individual patients who (1) suffer from a serious medical condition, (2) will suffer imminent harm without access to cannabis, (3) need cannabis for the treatment of their medical condition or need cannabis to alleviate the medical condition or symptoms associated with the medical condition, and (4) have no reasonable legal alternative to cannabis for the effective treatment or alleviation of their medical condition or symptoms associated with the medical condition because they have tried all other legal alternatives to cannabis and the alternatives have been ineffective or result in intolerable side effects, may use and obtain medical cannabis for their own personal medical treatment.

45. Plaintiff ANGEL suffers from numerous serious medical conditions, would suffer imminent harm without access to cannabis, needs cannabis for the treatment of her medical conditions and to alleviate symptoms associated with the medical conditions, and has tried all other reasonable legal alternatives to cannabis and found them to be ineffective or to result in intolerable side effects.

46. Plaintiff MONSON suffers from a serious medical condition, would suffer imminent harm without access to cannabis, needs cannabis for the treatment of her medical condition and to alleviate symptoms associated with the medical condition, and has tried all other reasonable legal alternatives to cannabis and found

them to be ineffective or to result in intolerable side effects.

47. The doctrine of medical necessity permits Plaintiffs ANGEL and MONSON to use and obtain cannabis for their personal medical treatment free from the threat of Defendants' actions to raid, arrest, prosecute, punish, seize medical cannabis of, forfeit property of, or seek civil or administrative sanctions against them.

IRREPARABLE HARM

48. Plaintiffs have suffered and will continue to suffer irreparable harm due to Defendant's challenged actions and practices described in this Complaint.

49. Plaintiffs face, or treat, serious or life-threatening medical conditions requiring therapy with cannabis to alleviate increased suffering, illness, or death. Defendants' interference with Plaintiff patients' treatment, and the resulting increased risk of suffering, illness, and death, constitute irreparable harm.

50. Plaintiff patients have constitutional rights to obtain treatment to alleviate their suffering. Defendants' actions are creating well-founded fear by Plaintiffs that Defendants will attack Plaintiffs' persons, medicine, health, or property, thus exacerbating Plaintiff patients' already serious medical conditions and constituting irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court enter judgment as follows:

A. Issue a Preliminary Injunction during the pendency of this action and a Permanent Injunction enjoining Defendants from arresting or prosecuting

Plaintiffs, seizing their medical cannabis, forfeiting their property, or seeking civil or administrative sanctions against them for their activities with respect to any of the following:

(1) The possession of medical cannabis by Plaintiffs Angel McClary Raich and Diane Monson for their personal medical use;

(2) The ability of Plaintiff Angel McClary Raich to obtain medical cannabis from her Plaintiff caregivers, John Doe Number One and John Doe Number Two, for her personal medical use;

(3) The ability of Plaintiffs John Doe Number One and John Doe Number Two to cultivate and provide medical cannabis to Plaintiff Angel McClary Raich for her personal medical use;

(4) The processing of medical cannabis by Plaintiff Angel McClary Raich for her personal medical use; and

(5) The cultivation of medical cannabis by Plaintiff Diane Monson for her personal medical use.

B. Declare that enforcement of the Controlled Substances Act is unconstitutional to the extent it purports to prevent Plaintiffs from possessing, obtaining, manufacturing, or providing cannabis for Plaintiff patients' personal medical use.

C. Declare that the doctrine of Medical Necessity precludes enforcement of the Controlled Substances Act to the extent it purports to prevent ANGEL from possessing, obtaining, or manufacturing cannabis for her personal medical use.

D. Declare that the doctrine of Medical Necessity precludes enforcement of the Controlled Substances

Act to the extent it purports to prevent MONSON from possessing, obtaining, or manufacturing cannabis for her personal medical use.

E. Award Plaintiffs their reasonable attorneys' fees and costs.

F. Grant Plaintiffs such other and further relief as the Court deems just and proper.

Dated: October 9, 2002

Respectfully submitted,

ROBERT A. RAICH
DAVID M. MICHAEL
RANDY E. BARNETT

By: /s/ ROBERT A. RAICH
ROBERT A. RAICH
Attorneys for Plaintiffs

APPENDIX

MEDICAL CONDITIONS OF PLAINTIFF ANGEL McCLARY RAICH

51. Plaintiffs incorporate by reference all paragraphs in this Appendix as if set forth fully in the body of this document.

52. *Life-Threatening Weight Loss, Malnutrition, Cachexia, and Starvation:* ANGEL experiences great difficulty maintaining a healthy weight. ANGEL's physicians, including her gastroenterologist, are unable to diagnose the root cause of her weight problems or to prescribe an effective course of treatment. One fact, however, is clear: ANGEL literally cannot eat without a sufficiently high level of cannabis in her system. Without cnnabis, ANGEL's weight can drop precipitously and she runs the very real risk of Malnutrition and Starvation. One result of Starvation is death. Death constitutes irreparable harm.

53. *Nausea:* ANGEL experiences chronic Nausea, which makes eating and drinking difficult, and exacerbates her wasting weight loss conditions. Even the smell, sight, or taste of food can trigger the nausea, and eating can cause stomach cramps leaving ANGEL in wrenching pain. Pharmaceutical anti-nausea medications are ineffective, but cannabis is the only medicine that provides relief.

54. *Severe Chronic Pain:* Every second that she is awake, ANGEL experiences Pain from one or more of the Chronic Pain conditions from which she suffers. She suffers greatly from Pain every single day. Sleep provides meager escape from the everpresent [*sic*] Pain she experiences. Her pervasive Pain and other conditions have made ANGEL permanently disabled. The prolonged Pain and suffering from her medical conditions significantly interferes with the quality of her life. Because ANGEL has an extremely high pain threshold, she is occasionally able to function when going about her life. On frequent occasions, however, the Pain becomes so great that ANGEL experiences difficulty performing everyday activities, or the Pain is so overpowering that she becomes completely debilitated and cannot get out of bed. When her nervous system becomes too overloaded with Pain, ANGEL experiences Muscle Spasms and Seizures. ANGEL's treatment is complicated by the fact that she is violently allergic to almost all pharmaceutical medicines. Cannabis, however, has the effect of making it easier for ANGEL to tolerate her constant Pain, although it does not make the Pain go away. Without cannabis, ANGEL's Pain would be torturous. On one occasion shortly before she discovered the benefits of cannabis, ANGEL's Pain levels were so high for such a prolonged period of time that, her body and soul racked with agony, ANGEL attempted suicide—as a desperate attempt at the only escape she could perceive from her torment.

A. ANGEL's numerous Pain conditions, as with all her medical conditions, exhibit a complicated interplay between each other, whose exacerbation presents the potential of a vicious spiral. Those Pain conditions include:

B. *Scoliosis*: ANGEL is plagued with abnormal curvatures and a rotation of the spine in her upper back and neck. She will be afflicted with Scoliosis until the day she dies. Scoliosis causes Chronic Pain in the vertebrae and muscles around her spine. The constant Pain ANGEL experiences from Scoliosis also causes or

exacerbates other medical conditions by affecting the musculoskeletal system of the arms, ribs, shoulder, clavicle, neck, and jaw. In addition, the painful site of a recent neck and back injury causes excruciating burning Pain in her vertebrae, nerve problems going down both arms, and difficulties with her thumbs. The injury also caused several of ANGEL's other Pain conditions to worsen. The resulting Pain has caused ANGEL to experience multiple episodes of Seizures and Muscle Spasms (which are painful in their own right) further exacerbating ANGEL's other Chronic Pain conditions and causing new and painful secondary injuries. Perhaps most critically, the injury caused ANGEL to get Fibromyalgia, a pain and fatigue disorder.

C. *Temporomandibular Joint Dysfunction Syndrome (TMJ):* TMJ combined with Bruxism causes pain, aching, throbbing, soreness, spasming, or cramps in ANGEL's face, gums, teeth, and jaw. This can make it difficult to talk, can make her jaw lock closed, can make eating difficult, and can cause headaches. Medical cannabis helps release ANGEL's cramps, relax her muscles, open her mouth, and cope with the Pain. Without medical cannabis, ANGEL's TMJ and Bruxism would spin out of control, worsening her Weight Loss conditions.

D. *Endometriosis:* Endometriosis causes ANGEL to experience disabling excruciating pain, and light headedness due to blood loss, during menstrual periods. ANGEL has undergone seven surgeries for Endometriosis. Immediately following her most recent surgery, ANGEL vaporized with cannabis in the hospital, amazing her doctors and nurses with how fast she recovered relative to patients who use narcotics after surgery.

E. *Headaches*: ANGEL experiences extremely Painful Headaches all over her head. ANGEL wakes up with Headaches nearly every morning. If they are too overpowering she must retreat to a dark quiet place. The muscles in her head and face can go into spasms, exacerbating the Headaches. Vaporizing or smoking cannabis helps ANGEL with Headaches that are not too bad, but the only medication that helps her with Severe Headaches is eating cannabis food.

F. *Rotator Cuff Syndrome*: A work-related injury in 1986 caused ANGEL to get Rotator Cuff Syndrome. Its Burning Pain has worsened over the years. She has difficulty doing repetitive tasks with her right arm, hand, shoulder, and shoulder blade. Overdoing them can cause her shoulder to freeze up and excruciating Burning Pain. Medical cannabis helps ANGEL cope with the Pain, and cannabis makes muscles, tendons, and ligaments around her shoulder joint more pliable, allowing her to use her arm.

G. *Uterine Fibroid Tumor*: ANGEL has a Fibroid Tumor within or on the uterine wall. This causes extremely heavy menstrual bleeding, making ANGEL light headed, dizzy, and nauseous to the point of almost passing out. The heavy bleeding and Painful menstrual periods can keep ANGEL down flat on her back for two or three days per month. Medical cannabis helps minimize ANGEL's pelvic Pain and helps release Spasms and Cramps, allowing her to function more easily.

H. Chronic Pain combined with the Paralysis that confined ANGEL to a wheelchair made her feel that she suffered indescribable torture in Hell. Only medical cannabis, characterized by ANGEL as a miracle sent to her from heaven, delivered ANGEL from the pits of that Hell. Without cannabis, ANGEL would endure the

excruciating torture of Severe Chronic Pain, and she might even again attempt suicide in an effort to escape. Pain, Torture, and Death constitute irreparable harm.

55. *Post Traumatic Stress Disorder P.T.S.D.)*: Years of molestation, physical, and mental abuse by family members created traumas that left ANGEL with Post Traumatic Stress Disorder. Escalated raids by the Defendants on medical cannabis patients since 2001 have exacerbated ANGEL's P.T.S.D. symptoms: She can find herself uncontrollably overwhelmed feeling suddenly in danger, and consumed with feelings of fear, helplessness, and horror. She reexperiences past traumas, has nightmares, and becomes overwhelmed with anxiety. She is becoming increasingly upset, gets angry and aggressive feelings, and fears that she must defend herself before the federal government breaks in her door, attacks her, incarcerates her, or kills her. She experiences sensations of panic and of trying to escape, yet she is too sick and her body is too weak. Medical cannabis helps keep ANGEL from living in the past, helps her deal with flashbacks, and helps her have courage to face her past abuse, her anger, her sadness, and her hurt. Cannabis allows ANGEL to cope with and manage her P.T.S.D. symptoms in a calm safe manner. Experiencing traumatic events (such as learning of new raids by federal agents on medical cannabis patients) can still trigger the P.T.S.D.

56. *Non-Epileptic Seizures:* When ANGEL has a Seizure, she loses awareness, has uncontrollable movements of her arms or legs, shakes all over, and falls to the ground. If she forces herself to go about daily life while having functioning problems, if she moves too fast, or if she becomes frightened for any reason, she can have Seizures. They are extremely

Painful, make all of her Pain conditions worse, and can trigger several of her other conditions. She may suffer for days at a time, having series of Seizures in combination with excruciatingly Painful body jerks, muscle spasms, and twitches. The use of medical cannabis minimizes those symptoms. Medicating with cannabis at the first onset of symptoms can prevent a seizure.

57. *Fibromyalgia:* Fibromyalgia is a condition characterized by multiple serious conditions. It causes ANGEL widespread chronic Pain in her muscles, ligaments, and tendons. Every muscle in her body can scream out Pain. The Pain can overload her body, putting her flat on her back for days. Fibromyalgia also causes extreme fatigue, totally draining ANGEL of energy, as though her arms and legs are tied to concrete blocks, and making it difficult to concentrate. Fibromyalgia further causes a sleep disorder inhibiting deep levels of sleep, as if ANGEL spends nights with one foot in sleep and the other one out of it. Other Fibromyalgia symptoms ANGEL experiences include Premenstrual Syndrome, Painful periods, chest Pain, severe morning Stiffness, Cognitive Functioning Problems, Numbing in her arms and legs, Tingling sensations, muscle Twitching, Skin Sensitivity, Dizziness, Impaired Coordination, losing her balance, and stumbling. Medical cannabis makes ANGEL's muscles, tendons, and ligaments more pliable, allowing her to move and go about her life with her family. It also helps her cope with the Chronic Pain and makes physical therapy more effective.

58. *Inoperable Brain Tumor:* ANGEL has a Meningioma or Schwannoma Brain Tumor. The Tumor is too deep for surgeons to remove it. In research suppressed by Defendants, researchers found that THC

(one component in medical cannabis) slowed the growth of Cancer in Mice. Later research (conducted outside the United States) confirmed that THC can destroy Brain Tumors in rats. ANGEL's doctors want her to continue medicating with cannabis in the hope that, among its other benefits, it will prevent her Brain Tumor from growing.

59. *Paralysis*: In September 1995, ANGEL suddenly lost the use of her right leg. By 1996, ANGEL was paralyzed on the right side of her body. For two years, her doctors could not diagnose the cause of her paralysis or prescribe an effective treatment. They said ANGEL would never walk again. In 1998, the use of high quality cannabis allowed sensation slowly to return to ANGEL's right side. Finally, in 1999 ANGEL regained use of her arm and leg and eventually learned to walk again in a difficult process made possible by cannabis.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No.

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, AND JOHN DOE NUMBER TWO,
PLAINTIFFS

v.

JOHN ASHCROFT, AS UNITED STATES ATTORNEY GENERAL, AND ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION,
DEFENDANTS

DECLARATION OF FRANK HENRY LUCIDO, M.D. IN SUPPORT OF PRELIMINARY INJUNCTION

I, Frank Henry Lucido, M.D., declare as follows:

1. I am a physician licensed to practice medicine in California. I am Board Certified in Family Practice, and have been practicing general Family Medicine at 2300 Durant Avenue, Berkeley, California, since 1979. I have been on the Active Medical Staff of Alta Bates Hospital for over 20 years. I have also been the medical director of skilled nursing facilities. I have been Chairman of the Alta Bates Hospital Medical Education Committee, and a member of the Ethics Committee and the Family Practice Advisory Board. I was voted "Best Doctor in Berkeley" by the Daily Californian newspaper in 1993. Attached hereto is my Curriculum Vitae.

2. I am Angel McClary Raich's primary care physician, and have been coordinating her care with numerous medical specialists. Angel presents a complex and

complicated set of conditions. It is my opinion that Angel cannot be without cannabis as medicine because of the precipitous medical deterioration that would quickly develop.

3. Angel is seriously ill. Her medical records confirm that she has numerous serious medical conditions, including life-threatening weight loss, nausea, severe chronic pain (from scoliosis, temporomandibular joint dysfunction and bruxism, endometriosis, headache, rotator cuff syndrome, uterine fibroid tumor causing severe dysmenorrhea, chronic pain combined with an episode of paralysis that confined her to a wheelchair), post-traumatic stress disorder, non-epileptic seizures, fibromyalgia, inoperable brain tumor (probable meningioma or Schwannoma), paralysis on at least one occasion (the diagnosis of multiple sclerosis has been considered), multiple chemical sensitivities, allergies, and asthma, and her body reacts with violent side effects to almost all pharmaceutical medications.

4. Angel will suffer imminent harm without access to cannabis. Chronic severe pain constitutes harm. Nausea and anorexia resulting in weight loss, risking malnutrition, cachexia, starvation, and death, constitute harm. Untreated seizures constitute harm. Post-traumatic stress disorder, inadequately treated, constitutes harm. Angel needs to medicate every two waking hours. If she misses a treatment, it could quickly have dangerous repercussions for her health. She clearly loses weight, and would risk wasting syndrome and death, without cannabis. No one knows why she can't hold onto her weight. Angel could become gravely ill if she loses too much more weight. Angel becomes debilitated from severe chronic pain. The pain is bad enough

even with cannabis, but it flares up immediately and becomes unmanageable without cannabis.

5. There are several studies concluding that cannabinoids may have significant anti-tumor activity. I feel that Angel should continue medicating with cannabis in the hope that, among its other benefits, it will prevent her brain tumor from growing.

6. Cannabis works well for Angel in a way that no other medicine has or can be expected to in order to alleviate Angel's medical conditions or symptoms associated with them.

7. Angel has no reasonable legal alternative to cannabis for the effective treatment or alleviation of her medical conditions or symptoms associated with the medical conditions because she has tried essentially all other legal alternatives to cannabis and the alternatives have been ineffective or result in intolerable side effects. Angel has tried all of the following medications, which all resulted in unacceptable adverse side effects:

Marinol
Demulen Tablets
Codeine
Tylenol #3
Erythromycin
Acetaminophen with Codeine
Serzone
Amitriptyline
Clonidine
Meclizine
Promethazine
Depakote
Prazosin
Carbamazepine

Imipramine
Trazodone
Methadone
Hydrocodone
Dicloxacillin
Chlorpheniramine/Phenylpropanolamine
Beclonmethasone
Vicodin
Dilantin
Tagretol
Desipramine
Valproic Acid
Seldane
Lorazepam
Paxil
Lamotrigine (Lamictal)
Elavil
Soma
Albuterol Solution
Fentanyl
Versed

Most of the medicines listed above, and others not even listed, make Angel vomit violently. Other side effects of the above medications include hot and cold flashes, shakes, diaphorasis, itching, nausea, and drowsiness. In addition, Marinol caused rapid heart palpitations, dizziness, shaking, and insomnia. Diagnostic lumbar tap and sympathetic block and stellate ganglion block in the throat have been performed with no lasting benefit. After a certain number of medications have been tried, it would be malpractice to subject the patient to further unnecessary harm.

8. Angel's medical records confirm that she uses two and one-half ounces of cannabis per week, in various forms, including oral ingestion, smoking, vaporizing, and topical application. There are no other treatments that I can reasonably recommend for Angel, other than what we are already doing in her course of treatment. It could very well be fatal for Angel to forego cannabis treatments because of a law that may purport to prohibit the medical use of cannabis.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on this 29th day of October, 2002, in Oakland, California.

/s/ FRANK H. LUCIDO, M.D.
FRANK H. LUCIDO, M.D.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No.

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, AND JOHN DOE NUMBER TWO, PLAINTIFFS

v.

JOHN ASHCROFT, AS UNITED STATES ATTORNEY GENERAL, AND ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION, DEFENDANTS

DECLARATION OF DR. JOHN ROSE IN SUPPORT OF PRELIMINARY INJUNCTION

I, John Rose, declare as follows:

1. I am a medical doctor, duly licensed to practice in the State of California, and have been so for 29 years. My practice is located at Brownsville and Yuba City, California. My practice consists of general family medicine. I am a board certified specialist in Family Practice. I am on the Medical Staff of Fremont and Rideout Hospitals. I am also Vice-President of Sutter North Medical Group. Attached hereto is my Curriculum Vitae.

2. I have been the personal physician and family doctor for Diane Monson for nine years and am completely familiar with her medical condition over those years. I have coordinated her care with various other medical practitioners.

3. As indicated from her medical records, Diane suffers from a number of medical conditions. She has degenerative disease of the spine. As a result of her medical condition, Diane Monson suffers from Chronic Back Pain and Spasms.

4. In 1999, pursuant to California State law, medical cannabis was recommended for Diane as treatment of her medical conditions, including her Chronic Back Pain and Spasms. I have determined that Diane Monson's health benefits from such a recommendation, that medical cannabis use is deemed appropriate for Diane Monson, and that medical cannabis provides necessary relief for Diane's pain and suffering.

5. Although Diane has tried other medical alternatives to medical cannabis, including Flexeril, a muscle relaxant, and Feldene, a powerful anti-inflammatory, those prescription drugs have proven to be either ineffective in relieving Diane's pain and suffering or produce intolerable side effects. In addition, these prescription medications have long term effects that may prove to be harmful to Diane's physical well-being.

6. I have also prescribed Vicodin and Vioxx to attempt to alleviate Diane's pain and suffering. Yet, Vicodin, an addictive drug, seems to have a nauseating effect upon her and I have recommended that she avoid it because of the extremely sick stomach that it leaves her with for several days after any use. In addition, Vioxx, although it appears to relieve Diane's inflammation associated with her back pain, does not relieve her painful spasms.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

correct, and that this declaration was executed on this 29th day of October, 2002, in Brownsville, California.

/s/ JOHN B. ROSE, M.D.
JOHN B. ROSE, M.D.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No.

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, AND JOHN DOE NUMBER TWO,
PLAINTIFFS

v.

JOHN ASHCROFT, AS UNITED STATES ATTORNEY GENERAL, AND ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION,
DEFENDANTS

DECLARATION OF DIANE MONSON IN SUPPORT OF PRELIMINARY INJUNCTION

I, Diane Monson, declare as follows:

1. I am 45 years old and for last 24 years I have lived in the city of Oroville, located in Butte County, California. I am one of the Plaintiffs in the above-entitled action.

2. I am a medical cannabis patient, and have been since March of 1999. I use medical cannabis on the recommendation of my physicians for the treatment of my Severe Chronic Back Pain and Spasms, which have plagued me since 1989. Dr. Rose has been my personal physician for many years and is completely familiar with my medical condition.

3. The constant spasms with which I suffer, and which are related to, and caused by, my chronic back pain, are an extremely painful experience in their own right, comparable in intensity to an uncontrollable

cramp. Cannabis completely eliminates these spasms as no other substance has been able to do. Without cannabis, these spasms would be torturous and unbearable no matter whatever other medications were available.

4. I have tried numerous prescription and non-prescription drugs for my Severe Chronic Pain and Spasms, including Flexeril, a muscle relaxant, and Feldene, a powerful anti-inflammatory. From the beginning those drugs caused me significant problems. Flexeril has a very powerful effect on me and makes me groggy in any amounts, even if I halve the recommended dosage. If I take the prescribed dosage, I inevitably fall asleep and am unable to function as a normal human being. Flexeril has been ineffective in relieving my spasms and also has many undesirable side effects. In addition, I am quite concerned about its effect on my organs, including my kidneys and liver, over the many decades of necessary use, even if it were effective in relieving my pain.

5. The other drugs I have had prescribed over the years are Vicodin and Vioxx. Vicodin, an addictive drug, has a complete nauseating effect upon me and I avoid it because of the extremely sick stomach that it leaves me with for several days after any use. Vioxx is supposed to be easier on the stomach, so I take it occasionally to reduce the inflammation associated with the back pain. Regardless, it does not relieve the spasms.

6. I am employed as the office manager for one business and the bookkeeper for several other businesses as well. Inevitably, the stress levels with these responsibilities rise throughout the day. The more stress I have, the worse the back pain is. I have sought out various methods of self-help in dealing with my pain

and suffering, including exercises, long walks, yoga and stretches, which I do each and every night. I am keeping my weight down and eat a healthy diet. I walk a very hard mile and a half per day, which helps to strengthen the back muscles as well. Regardless of this regimen, my chronic back pain and spasms generally start by late morning each day; when the yoga and walking that I do earlier that day wear off. From that point in the day forward the pain worsens by the hour. Before I began using medical cannabis I was having back spasms multiple times per week. Once a spasm starts it is very difficult to relax my back enough to make it stop. Generally speaking, work is impossible during spasms, sitting down is impossible, and the only way to even partially relieve the severe pain it causes is to lie down altogether.

7. In early 1999, when I first tried cannabis for my back pain and spasms, I immediately noticed a massive improvement in my level of pain. And from the moment I began to use medical cannabis my spasms decreased in frequency about 75 percent. The medicine relaxes me without making me sleepy, and so I can work again without pain. I still do most of the self-help things I have been doing for years, and now I have added medical cannabis to my self-help list. In addition to the smoking method, I use a vaporizer for the cannabis. My physicians recommended the vaporizer. Another delivery method I have used with cannabis is a sublingual spray form. This is a method I use in a more crowded situation, where other people might object to the smoke from my medicine.

8. In early 2002 I elected to stop hormone replacement therapy. I had taken HRT for nearly 14 years at that time and I began to worry about the side effects of

that medicine and the recently reported risks associated with such use. But I had no idea of the effect that quitting would have upon my body and my psyche. The physical symptoms were fairly intense, with hot flashes and trembling hands. The mental repercussions were even more debilitating. I became anxious and had a hard time concentrating. Tears would come easily for little to no reason. Although I have always sought out new clients and work, I was overwhelmed by responsibilities and sought no further clients. I have to say my self-confidence plummeted in those first few months after ending my hormone replacement therapy. I then discovered that cannabis helped me through this stage in my life, too. While contemporaries are being prescribed Paxil and Prozac and other drugs to help with these menopausal symptoms I rely on cannabis to calm my psyche and alleviate the symptoms. Its effect upon me is soothing and I find that cannabis alleviates the physical symptoms as well.

9. With regard to all of the above symptoms and medical conditions, I have found medical cannabis to be both effective and free of undesirable side-effects. Cannabis virtually eliminates my debilitating and extremely painful Spasms and greatly relieves my Chronic Back Pain. Without cannabis, my spasms would return and I would be subjected to intense pain that cannot be relieved any other way. I have tried various combinations of prescription pharmaceutical medications, but they are often ineffective and they always disrupt my quality of life by interfering with my ability to function.

10. On August 15, 2002, deputies from the Butte County Sheriff's Department and DEA agents visited our home. After a discussion with them, the sheriff's

deputies agreed that my cultivation and possession of six cannabis plants was lawful under the Compassionate Use Act of the State of California. The DEA agents insisted on seizing and destroying my plants. For three hours we talked with them, reasoned with them, and finally pleaded with them to leave the plants alone. The local District Attorney, Mike Ramsey, also fought for my right to keep my medicine by calling John K. Vincent, the U.S. Attorney for the Eastern District of California, to plead with him to keep the DEA agents from destroying my medicine. All of the efforts by my local law enforcement agents and the Butte County District Attorney were to no avail. As I stood and watched, the DEA agents chopped down my medicinal plants. I was crying and my back began to tighten up; for the rest of the week I experienced debilitating back spasms. I have not had a good night's sleep since the actions of the DEA in destroying my plants. My 20-year marriage is suffering as well because my wonderful husband also has to deal with all the repercussions of this action. We do not feel safe; we have had our civil rights and our rights under California law taken from us in our own back yard. I must now find a way to get my medicine from another source. To do so will be very expensive and I will have no idea what the quality of the medicine I receive will be.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on this 29th day of October, 2002, in Oroville, California.

/s/ DIANE MONSON
DIANE MONSON

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No.

ANGEL MCCLARY RAICH, DIANE MONSON, JOHN DOE NUMBER ONE, AND JOHN DOE NUMBER TWO, PLAINTIFFS

v.

JOHN ASHCROFT, AS UNITED STATES ATTORNEY GENERAL, AND ASA HUTCHINSON, AS ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION, DEFENDANTS

DECLARATION OF ANGEL McCLARY RAICH IN SUPPORT OF PRELIMINARY INJUNCTION

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I, Angel McClary Raich, declare as follows:

1. *Background:* I am a "medical necessity" medical cannabis patient. My medical records show I run a very real risk of malnutrition and starvation without the use of medical cannabis. I would starve to death without cannabis. I have been diagnosed with more than ten serious medical conditions including an inoperable Brain tumor, life-threatening wasting syndrome with severe weight loss borderline cachexia, a Seizure Disorder, Nausea, several Severe Chronic Pain Disorders,

including Scoliosis, Temporomandibular Joint Dysfunction Syndrome, Bruxism, Endometriosis, a Tumor in my Uterus, and other documented medical conditions. My medical conditions are very complicated, complex, and difficult to manage. I am blessed to have a great primary care doctor and many dedicated specialists and extensive medical records. I have been permanently disabled since September 1995. I am a mother of two children. My son is 16 and my daughter is 14 years old.

2. I have been using cannabis as a medication for about five years, every two waking hours, every day, and I have not been adversely effected by my medical use of cannabis—just the opposite. On a good day if you were to see me face to face you may not even know I am disabled. I do not enjoy being disabled nor do I like taking medication every two hours, but I have no alternative. Medical cannabis keeps me alive and greatly reduces my suffering. I can not use Marinol pills; because of my extreme drug sensitivity, I am just not able to take them. Only the natural cannabis plant works for me.

3. I was in a wheelchair from January 1996 to August 1999 because of my many medical conditions and their debilitating effects on my body. In 1997 before the use of cannabis I was debilitating quite fast. All of my doctors were not getting anywhere with my treatment and nothing seemed to work, but by August of 1999 I was walking again because of medical cannabis. Cannabis was responsible for getting me out of my wheelchair and restoring my mobility on the whole right side of my body.

4. I had complications taking nearly every type of synthetic medication my doctors prescribed. Practically every single medication my doctors gave me

would make me extremely ill, causing me to vomit violently, sometimes for 24 hours. I had allergic reactions and chemical sensitivities to nearly all of the medications my doctors prescribed. For example, I am allergic to all narcotics and opiates. When I take any narcotic or any opiate, within about 20 minutes I am on the floor with my face in a pan or small trash can violently vomiting, I get the shakes, hot and cold flashes, and insane itching that nothing can stop. Being partially paralyzed on the floor, it was Hell. I could not hold myself up. I sometimes needed someone to hold up my head while I was vomiting. I was simply too weak to move.

5. By 1997 my doctors told me I would never walk again and that they could not control my pain. My medical conditions were triggering each other as I became increasingly worse. That is when my doctors and I started talking about medical cannabis as a medication to help alleviate my pain and suffering.

6. My specialists do not know why I can not hold onto my weight. In 2000, my wasting syndrome was out of control, becoming life-threatening and causing my weight to drop to only 94 pounds. My health—even my life—was at great risk. My doctor worked quickly to raise the levels of cannabis in my bloodstream. Every time my level of cannabis drops, I can lose as much as one pound per day. My doctor says I must never be without cannabis treatments. I will always have to fight to keep my weight balanced; however, without cannabis it would make that fight impossible.

7. I suffer greatly from pain every single day. The prolonged pain and suffering from my medical conditions significantly interferes with my quality of life. I have not been pain-free for several years, but at least I

am not in a wheelchair anymore thanks to medical cannabis. My experience is that cannabis allows me to combat all of my diseases daily and gives me the strength I need to fight to stay alive.

8. The hardest part of being disabled is watching the suffering in your children's eyes as they watch you endure such suffering with no end in sight. They experienced great joy knowing that cannabis was responsible for giving their mommy back to them. Cannabis saved my life and gave my children their mother back. I would rather use cannabis to end the suffering from my conditions, and be alive, than to suffer endlessly while I die knowing that there *is* something that could help treat my conditions.

9. It may be difficult for the reader to comprehend the amount of intense pain and suffering described herein. When you become disabled one of the most difficult things is accepting that you are disabled and life as you knew it has ceased to exist. Your life changes forever from that moment on. When you are told you are *permanently* disabled it is even worse. Being permanently disabled has been very difficult for me to deal with, day in and day out, year after year. It is equally difficult for my family. As I fight to stay alive every day, my biggest challenge on a daily basis is combating my diseases, trying to minimize my suffering, and at the same time doing my best not to go into "overload" from excruciating pain. I do the best I can while remembering to have compassion for all life, and keeping my dignity and my grace. I am finding it a challenge to have compassion for the United State Government, when the Government wants to sentence me to death for being disabled and fighting to use a plant that is saving my life. I am weak and weary and

afraid of being raided, and I am afraid of what my death would do to my children and my husband. I am afraid of being tortured by being denied cannabis, and I am afraid of the excruciating pain that would cripple me while being forced to starve to death.

10. The Drug Enforcement Administration (DEA) is attacking sick, disabled, and dying Americans. Since September 11, 2001, the DEA has continued raids on the California medical cannabis community. The DEA has been terrorizing and doing harm to other patients using cannabis. This is creating great fear for me and my children. I am just fighting for my life. I promised my children I would fight to stay alive and I am not about to go back on that promise.

My Medical Conditions, Symptoms, and the Stories Behind My Suffering:

11. I will do my best to explain all of my complicated medical conditions starting in my childhood. The time period between 1995 and 1999 is the most difficult and is very painful to explain. All of my doctors knew I was seriously ill and suffering from severe pain. The doctors became frustrated because they could not figure out what was happening to the right side of my body. My doctors kept changing my diagnoses while trying to unlock the mysteries to why my health was failing, only to end up with more questions than answers. Many doctors told me that I was too complicated for them to understand, that they could no longer help me, and then referred me to another doctor. I had too many medical conditions affecting me the same time.

12. *Post Traumatic Stress Disorder (P.T.S.D.):* From the age of four years old to when I was in the six grade my grandfather repeatedly molested, threatened,

imprisoned, and tortured me. My doctors say that my grandfather was one of the worst child molesters on their rating scale. My grandfather was just below the child molesters that kill children. I was physically and mentally abused by other family members throughout my lifetime. I have worked very hard throughout my life to heal my wounds by getting the help I needed, and by being a good mother and a good citizen who obeys the laws. It was a long road, and I fought hard to keep abusers out of my life. I was diagnosed with P.T.S.D. in 1987.

13. Since the Federal Government escalated its raids on California medical cannabis patients, I have been experiencing more intense P.T.S.D. symptoms. I find myself overwhelmed feeling suddenly in danger, and I have become consumed with feelings of fear, helplessness, and horror. The constant threat I feel is making me re-experience my past traumas. It is causing me to feel the same mental, emotional, and physical experiences that occurred during the past traumas. This includes thinking about my past trauma and the threat of losing my life. For the past year I have been experiencing the following symptoms due to the threats and attacks from the United States of America's war against cannabis patients: I get bad dreams and nightmares of being attacked and killed by the federal government. I am also having flashbacks and nightmares of being unsafe and unprotected. Every time another patient or provider is raided, I am overwhelmed with anxiety and fear of being in danger, wondering if I will be the next patient to be attacked. I am deeply concerned about my own health and safety. I become increasingly more upset every time I am reminded about the trauma we patients face at the

hands of our own federal government. I get real angry and aggressive feelings because I feel that I have to defend myself before the federal government breaks in my door, attacks me, incarcerates me, and kills me. My brain can not handle any kind of trauma. I feel the trauma is happening again, only now it is the federal government abusing me. I feel as if I am in danger. I experience sensations ot panic, and trying to escape, and of thinking about attacking first, yet I am too sick and my body is too weak. These experiences are not voluntary; no matter how hard I try, I usually can not control them or stop them from happening. I am just as innocent now as I was when I was a child because I am sick, disabled, and fighting to stay alive. I had my P.T.S.D. symptoms pretty much under control until the federal government started escalating its raids against California cannabis patients. Cannabis helps keep me from living in my past, helps me deal with flashbacks, and helps me cope with the P.T.S.D. symptoms being brought on by the federal government's actions against medical patients. It helps me have the courage to face my past abuse, the feelings of never being safe or protected by anyone, my anger, my sadness, and my hurt in a calm safe manner. Cannabis allows me to cope, and manage my P.T.S.D. symptoms.

14. *Scoliosis:* Scoliosis is a curvature of the spine. My first diagnosed medical condition was Scoliosis. I was in the seventh grade when it was diagnosed. The doctor said my back is shaped as a backwards "S" and my spine is twisted and rotated. The doctor said that if my spine were rotated two more degrees he would have had to do surgery and put a steal rod into my back, but instead I had to wear a back brace for three years. This was my first experience with chronic pain. The chronic

pain in my back has never gone away, still to this day. In fact, as the years go by the chronic burning pain has become more intense and more difficult to tolerate. I experience burning pain in my back muscles and around my vertebrae. I learned at a young age how difficult it can be to be a handicapped person and how mean people can be to the disabled. While I was wearing my back brace children and adults made fun of me. I lost all of my friends, and no one wanted to hang around me anymore, just because I was in a back brace. It made my seventh through ninth grade years of school very lonely. I was not able to do much of anything; I was hurt, embarrassed, and in chronic pain. I could not even turn my head because the brace came up under my chin and went down to my tale bone. The brace was very painful. I remember crying all the time.

15. For years, my scoliosis has given me prolonged chronic pain in my spine that interferes with my quality of life. It also affects my mobility daily. One part of my spine is constantly moving, making loud painful cracking noises. Another part of my spine locks up, which is extremely painful. When this happens my neck, jaw, collar bone, shoulder, and rib cage lock-up tight, preventing me from moving freely and creating an unstable body structure. In that condition moving my body creates severe chronic pain and excruciating chronic burning pain in my neck, jaw, back and sides, ribs, and down my right arm. Staying still is equally painful. Without cannabis my tendons, and ligaments feel like an over-stretched rubber band about ready to snap. Cannabis makes my muscles, tendons, and ligaments more pliable, allowing my body to move and go about my daily life. Cannabis allows me to cope with the severe chronic pain and burning every movement

brings to my body. I notice a big difference when eating cannabis before going to physical therapy, it helps relax my muscles, making it easier for my physical therapist to help relieve some of the pain and burning and unlock my vertebrae and my other joints.

16. *Endometriosis:* Endometriosis come from the word "endometrium," which is the tissue that lines the inside of the uterus and builds up and sheds each month in the menstrual cycle. In Endometriosis, tissue like the endometrium is found outside the uterus, in other areas of the body. These growths cause disabling chronic pain, scar tissue, and other problems. Just before I turned sixteen years old I was diagnosed with endometriosis and my doctor told me to go home, pack a bag, and meet him at the hospital because they had to do surgery. My endometriosis was out of control. I was in excruciating pain and the cramps made it hard to move around. During the first two days of my period each month I was not be able to move at all. I had to stay down. I would curl up in a tight ball and cry for hours. In my second surgery for endometriosis the doctors not only found the endometriosis, but they also found several cysts. By the time I was 21 years old I had already had three surgeries for endometriosis. Through the years my endometriosis has changed, and the operations become more complicated. Every time they open my stomach up they risk damaging my organs, it makes it more difficult to work around the scar tissue. About every four to five years I must have surgery for endometriosis and scar tissue. I can always tell when it is time for surgery because my periods become overloaded with pain, I am no longer able to move around, and I can't move my legs to walk. I become paralyzed from the excruciating pain and I

bleed so heavily that I become light-headed from such fast blood loss. The pain can cause me to have seizures. To date, I have had seven surgeries for endometriosis, and with six out of the seven I woke up in the recovery room violently vomiting. The drugs made me vomit very violently, sometimes for over 24 hours, and after just having surgery vomiting is extremely painful. In 2001 my pain from endometriosis again became so severe that I was in tears. I had surgery in November 2001. The hospital gave me a room on the oncology floor so I could medicate with cannabis, using my vaporizer in the hospital promptly after coming out of recovery. Most patients after having surgery can have a narcotic or opiate. When I got back to my room after surgery I was so weak, I was not able to prepare my cannabis or my vaporizer. A family member helped me by holding up my vaporizer while I medicated with cannabis. The nurses at the hospital all asked about the medical cannabis and how well it helped my medical conditions, and they wanted to see me vaporize with cannabis. My doctor told me I recovered faster with cannabis than the patients who use narcotics or opiates. The doctors and nurses were all amazed because they got to see how effectively cannabis works right before their eyes.

17. *Rotator Cuff Syndrome:* After my son was born in 1986 I went back to work in a lumber mill where I became seriously injured working at a glue machine. I could not move my right shoulder. I was in tears and in extreme pain and muscle spasms. I was taken to the hospital where I was diagnosed with rotator cuff syndrome. After having it for many years, the chronic burning pain is worse than when I was first injured. I went to therapy for months until I was sent to another

specialist who gave me five sessions, of five shots each, of cortisone in my right shoulder and my neck. The cortisone helped for about three years, then the excruciating pain returned. My right shoulder never went back to normal. I have problems doing anything repetitive with my right arm, hand, shoulder, or shoulder blade. I suffer from excruciating burning pain, my shoulder freezes up, and I loose the mobility in my shoulder. It is cannabis that allows me to gain back some of this mobility. Through the years I have also had several injuries to my right shoulder (See paragraph number 18.). Cannabis makes the muscles, tendons, and ligaments around my shoulder joint more pliable, allowing me the use of my right arm. Cannabis allows me to cope with the severe chronic pain and chronic burning associated with rotator cuff syndrome. I noticed a big difference when eating cannabis before going to physical therapy; it helps relax my muscles making it easier for my physical therapist to help relieve some of the chronic pain and burning and unlock my shoulder and my shoulder blade.

18. *Other Past Spinal Injuries:* The year of 1991 was a bad year for me. I was in three accidents in a two month time period. All three accidents injured my spine and the right side of my body. I slipped and fell, injuring my spine on the right side; I was rear-ended by a big truck, injuring my back, neck, pelvic area, and bladder; and then a car hit me while I was walking, injuring the right side of my body again. It was all very painful and my body did not heal as fast as it should have. I had to see a chiropractor and a physical therapist for months. My body is extremely fragile and it does not heal easily, so I do a lot of suffering. Having injury upon injury caused permanent damage to my

body structure. I have continued to endure constant chronic pain and chronic burning ever since.

19. *Multiple Chemical Sensitivities, Allergic Reactions, and Asthma:* My treatment is complicated by the fact that I am violently allergic or I have severe multiple chemical sensitivities to almost all pharmaceutical medicines. This interferes with the treatment of all of my medical conditions, and it means my suffering can not be controlled by synthetic medications. This makes it extremely difficult for my doctors effectively to help me combat my diseases. I have problems with asthma and allergies, which make me wheeze and cough from the lack of air. I also have problems with chemicals that are in many skin products, air fresheners, perfumes, and detergents. I am not able to use pharmaceutical asthma medications and I am not able to take anything for my allergies. I become nauseated from most over-the-counter medications. So I just suffer. All of my doctors including my specialists have been supportive when it comes to my medical use of cannabis. I do not have any other alternative to battle my many complicated and complex medical conditions. Cannabis *is* maintaining my health. I am not just sensitive to synthetic prescriptions, I am also chemically sensitive to things such as chemicals that some cannabis growers use. These additives are not harmful to most patients; I am just extremely sensitive.

20. *Severe Chronic Pain:* Every second I experience chronic pain in varied degrees, ranging from a medium level of pain to a complete overload of pain, brought on by one or a combination of the chronic pain conditions from which I suffer. When I am able to sleep it provides meager escape from the ever present chronic pain I experience. I have to force myself to do

everything, including getting out of bed every day. I wake up several times per night and rarely get a restful night's sleep because of the chronic pain. Because I have an extremely high pain threshold, I can occasionally function and still try to go about my life, even in the midst of experiencing pain. On frequent occasions, however, the chronic pain becomes so great that I experience difficulty performing everyday activities, or the chronic pain is so overpowering that I become completely debilitated and cannot get out of bed. Then I am usually down for a few days.

21. When my nervous system becomes too overloaded with pain I experience muscle spasms and seizures. My treatment is complicated by the fact that I am violently allergic to almost all pharmaceutical medicines. Cannabis, however, has the effect of making it easier for me to tolerate my constant chronic pain, although it does not make the pain go away. The efficacy of cannabis is well established as an analgesic. Cannabis is the only medication that keeps me alive and makes my severe chronic pain more manageable. Without cannabis, my chronic pain would be even more torturous.

22. *Paralysis:* Due to all of the traumatic events in my life, in 1995, one last traumatic event caused my brain shut the whole right side of my body down for years, leaving me in a wheelchair until late 1999. I was barely hanging on because of all the pain and suffering I was forced to endure. It took many years and many doctors to diagnose all of my medical conditions, and I was suffering unexplainable, excruciating pain. My doctors were giving me many different kinds of prescription drugs; these same prescription drugs were making me vomit violently. My health continued to

spiral downward, leaving me with no hope at all. Months went by. After feeling that my doctors were not helping me I changed doctors once again. Even though I felt like I was drowning in pain, I kept the promise I made to my children that I would never give up again. I was going to do whatever I had to do, to get well and become healthy, or as healthy as I could be given my medical conditions. A new doctor sent me for a brain MRI in May 1999. It showed I have a one centimeter brain tumor on the left side of my brain, adding yet another physical medical condition. My doctor also sent me for an EEG, which showed I was having seizures. Then my doctor sent me to the Stanford University Hospital Epilepsy Center and a brain tumor specialist. Because I was not able to use the right side of my body and I was having cognitive functioning complications. During this same timeframe I was once again diagnosed with Post Traumatic Stress Disorder.

23. The use of cannabis was responsible for getting me out of my wheelchair. After I began using cannabis in 1997 I started feeling nerve sensations in my body. I stopped using cannabis from off the street in 1998. I started to get better from the medicine I obtained from the Oakland Cannabis Buyers' Cooperative. The better quality cannabis made all the difference in the world. The sensation slowly started coming back into my right side. I was so happy, I really wanted to walk again. By August 1999 I was able to move my right arm, toes, ankle and my foot. Then I was able to make small movements in my toes and fingers, and eventually I was walking again. Learning to walk again was very difficult and painful. Without cannabis being continually in my body I would surely become wheelchair bound

once again; this possibility is very frightening to me and my family.

24. Cannabis has given me faith, hope, happiness, better health, and family. It helps tone down my pain and suffering, not to mention: it keeps me alive. Cannabis proved to be the only medicine that brought back feeling in the right side of my body and got me out of my wheelchair.

25. *Two Demulen Tablets:* In September 1995, three days before I lost feeling from the waist down, I went to a new doctor regarding my severe endometriosis pain and complications. It was really time for me to have surgery again for my endometriosis. The doctor did not want to give me surgery, instead she wanted to put me on birth control pills to control some of the symptoms. I explained to her that I was allergic to all forms of birth control pills. The doctor told me that just because I was allergic to a drug when I was a teenager and in my early twenties did not mean I was still allergic it. I took the pills on the advice of my doctor and I have been paying for that ever since. After taking just two Demulen pills, my health was taken away forever.

26. I became permanently disabled in September of 1995. My chronic pain condition became complex right from the start. I was at work when all of the sudden I felt a strange sensation go down my leg. In a matter of moments, my right leg was like Jell-O, bright red, and cold as ice. I could not walk on my right foot because my ankle was so weak it would fall to the side. I was taken straight to the doctor. I was quite afraid because I could not feel my body from the waist down on the right side of my body. The next day I was dragging my leg around and I was unable to stand. Fear raced

through my body and tears came from my eyes. The severe chronic pain I was experiencing was putting me in a world of pain and suffering, and making my life a living hell and my doctors' jobs extremely difficult when it comes to treating any one of my medical conditions.

27. The chronic pain I was experiencing caused me to become partially paralyzed on the right side of my body from the waist down and I was unable to use my right leg. My scoliosis and my endometriosis made things even worse for me. I did end up having surgery for my endometriosis and scar tissue six weeks after I took the birth control pills. It is extremely difficult for me to battle the physical manifestations of chronic pain and my nervous system is very fragile. I experience complications when my chronic pain conditions trigger each other, which makes all of my symptoms worsen.

28. *Suicide Attempt:* In August of 1997, shortly before I discovered the benefits of medical cannabis, my chronic pain levels were so high for such a prolonged period of time that, my body and soul racked with agony, I attempted suicide—as a desperate attempt to end the excruciating pain and my suffering. I was drowning in chronic pain for years, it was the only escape I could perceive from my torment. The lack of sleep effected my thinking process, until my brain was foggy and I could not see past the excruciating pain. I could not live another day with that kind of chronic pain, which nothing was helping. I was lost, I lost my faith, I lost my will, and I lost any hope I had left. I just could not handle the torture from the chronic pain anymore. I am blessed to be alive today, for I have been given a second chance at life. That night I made a promise with God that I would do God's work if He

gave me back my legs, and I promised to do my best not to complain about the chronic pain if God would helped me find something to help ease the pain. A couple of weeks later, a nurse who had been watching me suffer asked me if I had ever thought about using medical cannabis. I was offended because I was not in support of marijuana use. My doctors could not figure out what had been wrong with me for over two years. At the time I was in a wheelchair and partially paralyzed on the entire right side of my body. I wanted my suffering to end as soon as possible. I was becoming sicker and sicker from the prescription drugs the doctors were pumping into me, only to vomit the pills up prescription after prescription, until the cure was worst than the disease. I felt hopeless and I just wanted my suffering to end.

29. My numerous chronic pain conditions, as will all my medical conditions, present a complicated mosaic of problems with a confusing interplay between each other, exhibiting the potential of a vicious spiral that exacerbates all of my medical conditions. When I first started experiencing extreme levels of chronic pain I did better at hiding my pain and not letting the pain show on my face. Year by year it gets harder and harder to hide the chronic pain my body feels because pain takes over my body. Then there are the days I just can not get out of bed at all except to go to the bathroom. The chronic pain keeps me down until my body stops burning, throbbing, cramping, and my muscle spasms go away. I am tortured by chronic pain of all different kinds. It turns out to be a never ending circle of chronic pain. The chronic burning pain that goes on for days is the worst torture of all. It is hard to wake up every day and thank God for being alive, but I do

thank him everyday for giving me back my legs so I can walk. So I will do whatever I have to do to ease this excruciating pain and to fight to stay alive. I have to do it for my children, I have to do it for myself, and I have to do this for my husband. I love them all so much I want to be with them until I die of old age, not because the Federal Government raids me and puts me in jail where I could experience an even greater debilitating pain while I starve to death.

30. Dealing with high levels of chronic pain everyday for years becomes more and more difficult with each passing year. My body is deteriorating. I am a prisoner of my medical conditions and I am trapped in my body being made to live the rest of my life in severe chronic pain. Is not that enough? I will do whatever it takes to stay alive and as pain free as I can possibly be. When my nervous system becomes too overloaded with pain I experience muscle spasms and seizures.

31. *Muscle Spasms:* I regularly have muscle spasms that stem from my chronic pain. Spasms are sudden, involuntary muscular contractions, either of a single muscle or of a group of muscles. They are often very painful. Cannabis helps relax my muscles, making them more pliable, and it helps release my muscle spasms and cramps, allowing me to function more easily physically.

32. *Chronic Headaches:* I get very bad chronic headaches. They are extremely painful all over my head. The muscles on my head and face can go into spasms, causing excruciating chronic headaches making me find a dark quite place. Sometimes I get a bad headache just before I have a seizure. My headaches come from several of my medical conditions. Nearly every morning when I get up I have a headache. If my headache is not too bad I can get away with just vaporizing or smoking cannabis. When my headaches become overpowering, not even hours of being in a dark quite place helps. The only medication that helps my severe headaches is eating cannabis foods.

33. *Nausea:* I have chronic nausea that interferes with my quality of life. It makes eating and drinking difficult. My nausea can make my wasting conditions worsen when I am just not able to eat. When I eat I become even more nauseated, which makes forcing myself to eat a real battle. When I first started suffering from nausea my doctors tried me on several anti-nausea medications and a medication that was supposed to help me eat. The medications not only made me more nauseated but they also would make me vomit violently. If the cannabis levels in my bloodstream drop even just a little bit I can become extremely ill. Preventing and controlling nausea helps ensure that I am able to eat food properly. It is hard to eat properly when you feel nauseated all the time and when even the smell, sight, or taste of food can trigger the nausea, making it all worse. Sometimes after eating my stomach will cramp up leaving me in wrenching pain. However, without the use of medical cannabis I would be unable to eat at all and I would not be able to eat enough food to help me hold onto my weight. Cannabis helps moderate my nausea and stomach cramps, and helps me eat and maintain my weight, without adverse side effects.

34. *Severe Temporomandibular Joint Dysfunction Syndrome (TMJ) and Bruxism:* Temporomandibular Joint Dysfunction Syndrome causes facial pain. The temporomandibular joint (TMJ) is a gliding joint in the jaw. The syndrome hinders my jaw from opening and closing, which makes talking and eating difficult. My jaw can become tightly locked closed. When that hap-

pens the only way I can open my mouth is to force it open by cracking my temporomandibular joint, which is very painful.

35. Bruxism is forceful grinding and clenching of the teeth usually during sleep. The pressure that is generated across the teeth can be an incredible amount of force. Problems occur as a result of these forces being applied over many years.

36. Temporomandibular Joint Dysfunction Syndrome and Bruxism cause muscle spasms and muscle cramps that create severe chronic pain in my face and jaw muscles. Due to the Bruxism and TMJ, I am losing the bone and gum support in my mouth, and I am experiencing early periodontal problems. Because of these early periodontal problems, my dentist had to remove teeth in 1997, 1998, and 2001. I have two more teeth that are about to fall out. In effect my teeth have loosened because of the "rocking" back and forth. My bone, gums, and teeth ache and throb all the time and are very sore, and are sensitive to hot and cold. My mouth and jaw hurt all the time. Sometimes in the morning when I wake up I can't move my jaw and I can't chew. My whole face hurts and aches from the muscle spasms and the chronic pain. It becomes difficult to talk when my jaw locks up on me. Nothing helps the chronic pain go away completely. When the muscles in my jaw are overused they become sore and spasm. The spasms even make my neck hurt. I get chronic headaches from having TMJ and Bruxism. Cannabis helps release the muscle cramps and relax my jaw, face, and neck muscles in order for my temporomandibular joint to crack so I can slightly open my mouth to eat something soft. Cannabis allows me to cope with the chronic pain and burning in my jaw and

neck. Without cannabis being contentiously in my body I would not be able to relax the muscles around my mouth. Without the use of cannabis my TMJ and Bruxism would spin out of control, worsening my life-threatening weight loss, and rapidly causing malnutrition, starvation, and cachexia. For these reasons it is extremely dangerous for me to be without the use of cannabis.

37. *Life-Threatening Weight Loss, Malnutrition, Cachexia, and Starvation:* Since 1998, I have experienced great difficulty maintaining a healthy weight. My physicians, including my gastroenterologist, are unable to diagnose the root cause of my weight problems or to prescribe an effective course of treatment. One fact, however, is clear: I literally cannot eat without a sufficiently high level of cannabis in my system. Without cannabis, my weight can precipitously drop as much as one pound per day. As a five-foot four-inch tall woman, I dropped from 106 pounds to a dangerously low weight of 93 pounds during the course of four weeks in which I could use cannabis only on two weekends pursuant to a family court order (which was subsequently overruled due to my rapid health failure) in a child custody fight with my children's father. I struggle with Life-Threatening Weight Loss and Wasting Syndrome, a medical condition generally diagnosed as Anorexia/Cachexia meaning loss of appetite and rapid weight loss. (I do *not* have a better-known condition called anorexia nervosa, a psychiatric disease in which patients are obsessed with being thin and have an unrealistic body-image.) My body-image is accurate; I see how thin I am and I work extremely hard everyday to eat enough. I simply cannot eat without the aid of cannabis. I eat between 2500 and 3000 calories per day,

yet I have trouble getting my body to gain weight, for reasons that my physicians do not understand. The efficacy of cannabis is well established for stimulating appetite and promoting weight gain. The federal government claims cannabis has no accepted medical use and it claims cannabis is harmful to your health. Cannabis *is* safer than death. Without cannabis, I would run the very real risk of Malnutrition and Starvation. One result of Starvation is death. Dropping weight fast can become critical. Every time I have tried to cut my medical cannabis treatments back my weight dropped immediately. It is then difficult to bring my weight back up. This is how my doctors and I know that I require two and one-half ounces per week (equaling over eight pounds per year). Fighting to keep my weight up every single day is my biggest battle.

38. *Fibromyalgia Syndrome (FMS):* In 1997 I was first diagnosed with fibromyalgia. The symptoms slowly lessened, but then flared up again in early 2002. Fibromyalgia is a widespread musculoskeletal chronic pain and fatigue disorder that is often precipitated by physical trauma. Fibromyalgia means pain in the muscles, ligaments, and tendons—the soft tissue in the body. When my fibromyalgia acts up, my body feels extremely fatigued and every single muscle in my body screams out pain. When my body overloads with pain I will be flat on my back for days. The chronic pain keeps me down until my body stops burning, throbbing, cramping, and my muscle spasms go away. The best way I can describe it is "everything hurts". The chronic pain and the stiffness feel like a big diesel truck ran over my body, with the groups of muscles that are frequently used hurting most intensely. I also have neurological symptoms that are associated with FMS

and some of my other medical conditions. As mentioned, I get extremely fatigued. The best way I can describe the fatigue is that it is like a "brain fatigue" in which I feel totally drained of energy. It feels as though my arms and legs are tied to concrete blocks, and I have difficulty concentrating. I am unable to focus or make big decisions on the days I am overwhelmed by this brain fog. I have problems falling asleep and staying asleep due to my high levels of pain. Many FMS patients, including myself, have problems with deep levels of sleep. "Stage four" sleep is constantly interrupted by bursts of awake-like brain activity. I spend nights with one foot in sleep and the other one out of it. Other symptoms I have from FMS are premenstrual syndrome, painful periods, chest pain, severe morning stiffness, and cognitive functioning problems. Sometimes I have a numbing feeling in my arms and legs, tingling sensations, muscle twitching, skin sensitivity, dizziness, and impaired coordination. I also have problems with losing my balance and stumbling.

39. Without cannabis my tendons and ligaments feel like an over stretched rubber band about ready to snap. Cannabis makes my muscles, tendons, and ligaments more pliable, allowing my body to move and go about my daily life. Cannabis allows me to cope with the severe chronic pain and chronic burning every movement brings to my body. I noticed a big difference when eating cannabis food before going to physical therapy; it helps relax my muscles making it easier for my physical therapist to help relieve some of the pain and burning. Without cannabis being continuously in my body I would never be able to tolerate the burning and pain. My chronic pain levels become so high it

makes even my skin hurt, making it is very difficult for me mentally to be in my body. Cannabis rescues me from the torture I have to endure from fibromyalgia. When I go to bed at night my whole body may throb like a strong heart beat, making it impossible to fall asleep. Cannabis helps my fibromyalgia symptoms and allows me to have a life with my family.

40. *Non-Epileptic Seizures:* I started having non-epileptic seizures in 1996, though my doctors did not diagnosis the seizures until 1999. When I have a seizure, I can lose awareness, have uncontrollable movements of my arms or legs or both, shake all over, and fall to the ground. Between seizures I experience problems related to memory, language, mood, sleep, and other brain functions. I am able to feel my seizures as they are come on. Sometimes, I experience an extremely bad headache and/or a strange feeling in my throat just before I have a seizure. When I force myself to go about my daily life while I am having functioning problems, or if I move around too fast, or even if I become frightened for any reason, I can have a seizure. Because I have a brain tumor my seizure specialist at Stanford Epilepsy Center tells me that my seizures could turn into epilepsy. My seizures are extremely painful. Sometimes, I have one seizure after another. They can trigger several of my other conditions and make all of my chronic pain conditions worse. When this happens I usually suffer for days having a combination of more seizures, and I will have body jerks, muscle spasms, and twitches, which cause excruciating pain that are unbearable for me to deal with.

41. Non-epileptic seizures can be caused by many different factors, including impaired blood flow to the brain, sleep disorders, severe chronic pain, psychological disturbances, and various other brain disturbances. It is not uncommon to see this type of seizure in individuals who have experienced a traumatic event or who are under various types of stress. In my case I have had a lifetime full of traumatic events, one after another. I have also had my share of severe chronic pain.

42. Cannabis helps slow down and minimize body jerks, muscle spasms, and twitches and helps to control the excruciating pain caused by my seizures. If I smoke or vaporize cannabis at the first onset of seizure symptoms, the cannabis can prevent the seizure. If I am unable to use cannabis in time to prevent the seizure, I need to medicate with cannabis when I am alert enough to smoke or vaporize to prevent another seizure.

43. *Inoperable Brain Tumor:* In 1999 an MRI showed I have a brain tumor. I have a circumscribed one centimeter densely enhancing tumor in the left petrous apex that mildly deforms the ventromedial aspect of the left temporal lobe. It is a Meningioma or a Schwannoma brain tumor. My doctors say the tumor is too deep for them to do surgery to remove it.

44. My doctor wants me to continue medicating with cannabis in the hope that, among its other benefits, it will prevent my brain tumor from growing.

45. *Uterine Fibroid Tumor:* In 2001 I was diagnosed with having a uterine fibroid tumor. Uterine Fibroids are benign tumors of muscle and connective tissue that develop within or are attached to the uterine wall. They slowly enlarge, frequently intruding into the cavity of the uterus or growing out beyond the normal boundary of the uterus. Even one small fibroid

can cause many problems, sudden severe pain, and heavy menstrual bleeding. I have had several problems with my tumor in this past year. I suffer from sensations of fullness and pressure in my lower abdomen, severe pelvic cramping, abdominal fullness, and an increase in urinary frequency. The biggest problem is extremely heavy menstrual bleeding. I bleed so fast that I suffer from light-headedness and become dizzy and nauseous to the point of almost passing out. I have always had nausea but it is now worse than before. The heavy bleeding and the severely painful menstrual periods tend to keep me down flat on my back for two or three days per month. Cannabis helps minimize monthly PMS symptoms. Cannabis helps relax my pelvic muscles, helps minimize pelvic pain, and helps release my muscle spasms and cramps, allowing me to function more easily physically.

46. *Recent Spinal Injury:* The effects of my scoliosis worsened several months ago after a very large man fell on my head, injuring my neck and back. The injury caused excruciating pain at the site of the injury, excruciating burning pain in my vertebrae, nerve problems going down both arms, and difficulties with my thumbs. The injury also caused some of my other pain conditions (TMJ, Rotator Cuff Syndrome, Headaches) to worsen. After a few months, the resulting pain caused me to experience multiple episodes of seizures and muscle spasms, which were also painful in their own right, further exacerbating my other chronic pain conditions and their related symptoms, and creating new and painful secondary injuries. Perhaps most critically, the injury caused my Fibromyalgia Syndrome worsen (see paragraph 38).

47. *My Medical Cannabis Use:* Before I became a medical cannabis patient I was against recreational marijuana use. In late 1997, my doctor felt cannabis would be an effective medication to treat my many complicated and complex medical conditions, and gave me my first recommendation to use medical cannabis. I eventually became a member of the Oakland Cannabis Buyers' Cooperative (OCBC) in early 1998, before the federal government filed suit against it. The OCBC was trying to provide me with medical grade cannabis. I was one of 14 "medical necessity" patients that the Oakland Cannabis Buyers' Cooperative was fighting for in the United States Supreme Court in 2001. The federal government, however, prevented the OCBC from giving me safe access to the one medication (medical cannabis) that keeps me alive. At that point I was forced to obtain my medication on the street. I was robbed, ripped off, and taken advantage of by the people selling the marijuana to me or to a friend on the street. Black market marijuana *is not* medical grade cannabis. One really does not know what is in that marijuana. It may contain mold, fungus, pesticides, other drugs, rat droppings, or god knows what. One does not know how it was grown or processed. It is just not safe.

48. To be safer and to save money, I tried to grow my own cannabis about five years ago. Even though I am good at growing most house plants, I found that I could not grow my own cannabis. Indoor cannabis *does not* grow like a weed, as some people think. The cannabis plants needed special care, and they needed more than I was able to give physically. I kept having insect problems and I did not have enough room or ventilation in my house. I could not grow enough medicine for my

medical needs. Thus, as a single mother, to buy cannabis, I had to make choices such as which bills to pay that month, and whether I would have enough food to eat after I fed my children.

49. I am now blessed to have two wonderful caregivers who grow all of my medicine and are willing to take a huge risk with their own liberty to help keep me alive. That is true compassion. I am sure we would all be facing mandatory sentences just because we are growing a plant that happens to keep me alive and allows me to be here for my children. I would not be alive if it were not for these two caregivers. My caregivers both work very hard to help me fight my diseases. My caregivers grow my medicine specifically for me. They do not charge me, nor do we trade anything. They grow my medicine and give it to me free of charge. They both grow different strains of cannabis for me to treat my medical conditions. One strain of medical cannabis helps my chronic pain, one helps my seizures, one helps me eat and hold onto my weight, and another may helps control my nausea. All of these different strains of medical cannabis are very beneficial and essential to my survival. Not all strains of cannabis work for me. Because the different strains have different growth cycles, one caregiver *could not* grow all of the medical cannabis I require to keep my weight up and my pain levels down. Moreover, I can not risk having all of my medicine in one place because I can not afford to lose my whole garden if there is a pest problem or if it were raided by federal agents. The caregivers who grow my medicine are my co-plaintiffs, known as in this litigation as JOHN DOE NUMBER ONE and JOHN DOE NUMBER TWO.

50. In the cultivation of my medical cannabis, JOHN DOE NUMBER ONE and JOHN DOE NUMBER TWO, of Oakland, California, use only soil, water, and nutrients originating from within the borders of the State of California. JOHN DOE NUMBER ONE and JOHN DOE NUMBER TWO also use only growing equipment, supplies, and lumber manufactured within the borders of the State of California. JOHN DOE NUMBER ONE and JOHN DOE NUMBER TWO cultivate for me medical-grade cannabis free of mold, fungus, pesticide residue, and other contaminates in the particular strains that I have found to be most effective in treating my specific medical conditions.

51. Both of my caregivers not only grow my medical-grade cannabis but they also process the cannabis into hashish or keif. Additionally, I process the cannabis into cannabis oil for cooking, I make cannabis therapeutic massage oil, I make cannabis therapeutic skin balm, and I make cannabis foods.

52. I provide the following information to my caregivers to try to keep them safe and protect my medicine in case law enforcement agents raid the garden areas:

A. Copies of my doctors' recommendations for the use of medical cannabis,

B. A copy of my Oakland Cannabis Buyers' Cooperative I.D. Card that states I am a "medical necessity" patient and confirms that my recommendation is valid,

C. Copies of some of my medical records, and

D. A signed caregiver statement that says my caregivers provide my medical cannabis to me.

In total, my caregivers grow over eight pounds per year of medical-grade cannabis for me.

53. *Amount of Cannabis I Use:* I use over two and one-half ounces of processed medical cannabis per week, or over eight pounds of cannabis per year. Cannabis does not get me "high." I cook and bake my own cannabis foods. I use my homemade cannabis oils to make massage oil and balm that I use to rub over my body, which helps my muscle spasms and cramps. I even used it on my stitches after surgery. It works like a miracle on rashes and hives. The worst side effect is the fear that at any moment the DEA could kick my door in and cause my and my family irreparable harm. My children, my husband, and myself are all aware of the risks we have been taking in order to keep me alive. We are willing to risk it all by telling about our family, and telling the Court all about my medical use of cannabis. Is the only effective way for me safely to treat all of my many medical conditions without becoming sicker. With cannabis I do not suffer from the side effects I experience with synthetic prescription medications. I am not a medical cannabis patient because I choose to be one—I am a medical cannabis patient because it is a necessity to keep me from dying. Taking a pill would be much easier and would take less time, but I simply do not have that option the way most others patient do. I have no other medical or legal alternative to sustain my life. Cannabis saved my life and gave my children their mother back. I would rather use cannabis to end the suffering from my conditions, and be alive, than to suffer endlessly knowing that there *is* something that could help treat my serious medical conditions. Cannabis is the only medication

that keeps me alive and makes my medical conditions more manageable and my life livable.

54. *How I Use Medical Cannabis:* I smoke or vaporize cannabis every two waking hours, and have every day since late 1997. Upon starting to use cannabis in 1997 I immediately noticed a huge difference in my medical conditions. I noticed an even bigger difference in 1998 when I started to ingest medical cannabis by eating cannabis brownies, cakes, candy, and milk. Using the smoked and vaporized cannabis and the ingested cannabis at the same time made the biggest improvement in my medical conditions. One of my problems is I am unable to sleep due to high levels of pain. If I am lucky enough to fall asleep, I may wake up in the middle of the night in tears. When I eat cannabis before bedtime it helps me sleep better. Rest is important for my healing process. Cannabis massage oil and balm used topically on my muscles and joints makes a big difference. Using all of these methods together seems to make the biggest impact on my health, and helps me to manage and cope better on a daily basis. It has made all the difference in the world. My doctors noticed, my children noticed, my friends noticed.

55. It is a miracle I am now walking, it is a miracle I am even alive. I still have functioning problems and extremely high levels of pain even with the cannabis, however cannabis controls the pain enough so I can walk again, and it keeps me from wasting away and starving to death. I am not willing to give up my life or go back into a wheelchair without a fight. Cannabis really does help my conditions. It keeps me alive and helps minimize my suffering. My cannabis use and doctors' recommendations are all documented in my medical records.

56. I know I am taking a huge risk by talking publicly about my medical cannabis use. I am in no way going to stop using cannabis. I am fighting to stay alive. I want to live! I am extremely afraid of being raided by federal agents. The fear I experience is having a negative effect on my medical conditions. If I am raided by federal agents or incarcerated and kept from using my medicine, I would be gravely ill in a short amount of time. My children need me to take care of them and help them grow up. I have never been arrested nor am I a threat to anyone. I am just a mother who is fighting to stay alive. I feel the United States Attorney General and the DEA Administrator Asa Hutchinson are waging a civil war against the sick, disabled, and dying Americans of our country. I am filing this lawsuit to fight for my constitutional right to life.

57. *My Media Attention:* Because of all the media coverage I have received, I am at greater risk of being raided by the federal government. After cannabis had freed me from my wheelchair I became more active in helping California medical cannabis patients. After the Supreme Court's 2001 decision in the Oakland Cannabis Buyers' Cooperative case, I received significant national and international media coverage. My photos and quotes were used in many newspapers across the United States, including the *New York Times* and *USA Today*. I spoke on national television saying I could not follow any federal law that purported to prevent me from using cannabis. Since then I have spoken at numerous events and conferences educating the public about the use of medical cannabis. I have taught classes on medical cannabis at high schools and colleges, and police academies.

58. *My Community Education and Community Service Activities:* I do my best to become involved in my community when my body allows me to participate. I am on the Oakland City Council's Medical Cannabis Task Force. I work with the Alameda County Public Health Department and the Alameda County Department of Children and Family Services regarding medical cannabis issues. I have spoken before city councils. I do not want other patients to suffer as I have to. We need to be taken off the battlefield of the "Drug War" right away. My life depends upon it. I feel I have been left with no choice: I have no alternative but to speak out. However, I fear that makes me an easy target based on numerous raids by federal agents against patients and growers. Outspoken patients have recently been targeted and raided by federal agents.

59. *How My Medical Conditions and My Use of Medical Cannabis Affected My Children:* My children have had a very difficult time adjusting to my many complex medical conditions. They know more than anyone how medical cannabis brought their mommy back to them. Before 1995, I was the neighborhood mother, who played basketball, roller bladed, played frequently with the children, managed my son's little league baseball team, and helped at the school. We would have all of the neighborhood children over to bake cookies, and we would do children's hobbies and crafts. We did all kinds of wonderful and fun things together. Our lives have never been the same since I became disabled, and never will be normal again. My medical conditions have affected my children emotionally. When I became disabled in September 1995, my daughter had just started kindergarten. She was so little that she just did not adjust well to my medical

conditions. At that young age my daughter would actually hit me when I was in my wheelchair. She was so angry because her mommy was gone, replaced by my diseases. My daughter was trying to beat the disease out of my body. My daughter was too little to understand what was happening to her mommy. She would lay on her bed and cry with sadness. I was unable to hold my daughter in my arms as I used to because the burning pain in my body would become worse if someone touched my skin, and my body was very debilitated. I really missed holding both of my children. I love them so much, I would do anything for them and I would do anything to keep them safe from harm. As the years passed my body continued to deteriorate, and I became weaker and weaker. The weaker I became from my diseases, the harder it was for my children.

60. One night I heard my daughter crying in bed. I went to her side and asked her why she was crying. She told me she was crying because I was disabled and sick. She wanted me to get out of my wheelchair. She wanted her mommy back. She asked me why, why can't I get better, why does her mommy have to be in a wheelchair. She cried for a long time. She often cried at night about my medical conditions. She missed me. It broke my heart. I told her to keep praying and maybe God would answer her prayers. I thought prayer was the best thing. She told me she had been praying and God did not hear her prayer. I told her to keep praying and ask Him to answer her and maybe her prayers would come true.

61. I do my very best to be there to support both of my children. My children and I have a great open communication. They know they can talk to me about

anything. I have to protect my children and do what is in their best interests.

62. Both of my children know that medical cannabis *is* legal under California State law. I asked my children if they wanted me to stop using my medicine because of the federal government. They both told me, "No Way." The expression on their little faces said it all. My children know that I am alive today because of medical cannabis. I do not want the DEA to raid my home and traumatize me or my family.

63. Medical cannabis has only medical benefits for me, I have not had one single negative experience from using cannabis medically. The most scary side effect is knowing that at any moment federal agents could kick my door in and hold me and my family prisoner. My children and my husband are all aware of the risks they have been taking in order to keep me alive. We are now willing to risk even more by disclosing my medical use of medical cannabis under oath herein.

64. *Conclusion:* For years I felt as if I was suffering in Hell. What I had to endure was unbelievable and indescribable torture. Somehow, I found a miracle sent down from heaven by an angel that brought me up from the pits of Hell, and saved my life. I was given medical cannabis! My life was saved by this new miraculous medicine and my life was forever changed. Healing had begun, and healing was my gift. I have seen the changes in my body, my doctors have seen the changes in my body, and my family and friends have seen my miracle. I am sorry, I can not stop using medical cannabis or I will die. I am not giving up the miracle I have been given to save my very life. I will not go back to Hell for anyone or anything. I implore the federal

government not to take my life from me. I want to live and grow in peace.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on this 25th day of October, 2002, in Oakland, California.

/s/ ANGEL MCCLARY RAICH
ANGEL MCCLARY RAICH